



**IN THE OFFICE OF DIRECTOR FOR DIVISION OF ELECTIONS  
STATE OF ALASKA**

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RECEIVED  
FEB 21 2012  
Director's Office  
Division of Elections

Gordon Warren Epperly	)	
Objector	)	Case No. _____
	)	
vs.	)	
	)	NOMINATION PETITION OBJECTION
Barack Hussein Obama II	)	
Aka Barack Hussein Obama	)	Year 2012 Primary and General Elections
Aka Barack H. Obama	)	
Candidate	)	

**Complaint**

COMES NOW Gordon Warren Epperly, Pro Se, challenging the Nomination Petition of Barack Hussein Obama II, Aka Barack Hussein Obama, Aka Barack H. Obama or his Electors to appear on the Primary and General Election Ballots of the State of Alaska as a Candidate for the Office of President of the United States of America.

**Jurisdiction**

Authority to file this Complaint is with Alaska Statute 15.25.042 (*Eligibility of a Candidate*) and the Alaska Administrative Code 6 AAC 25.260 (*Complaints regarding eligibility of a candidate*). These two provisions in law allow anyone without predetermined qualifications to file Complaints.

### **Standing of Complainant**

I, Gordon Warren Epperly, has been domiciled within the State of Alaska since the year of 1965 and has resided at 10440 Glacier Highway in Juneau, Alaska (*Swampy Acres*) since the year of 1967. I am eligible to register as a voter and have voted in local and State Elections in past years. I am eligible to register to vote even though I have chosen not to do so for several years.

### **Status of Candidate**

Barack Hussein Obama II, Aka Barack Hussein Obama, Aka Barack H. Obama has the race status of being a “*Mulatto*.” Barack Obama’s father (*Barack Hussein Obama I*) was a full blood Negro being born Nyang’oma Kogelo, Nyanza Province, Kenya and raised in the Colony of Kenya. Barack Obama’s mother (*Stanley Ann Dunham*) was a white Caucasian women being born in Wichita, Kansas on November 29, 1942 and raised in the State of Washington and in the State of Hawaii.

### **Office Qualifications For President of United States**

Office qualifications for the President of the United States is set forth in the Constitution for the United States of America at Article II, Section 1, Clause 5:

“No person except a natural born Citizen or a Citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not attained to the age of thirty-five years, and been fourteen years a resident within the United States.”

and in regard to Barack Hussein Obama II as a Presidential Candidate, the citizenship qualifications set forth in the Fourteenth and Fifteenth Amendments to the United States Constitution for “*Negroes*” and “*Mulattos*” also applies.

## No lawful Candidate Nomination Petition

It appears that the only document of Candidacy on file with the Alaska Division of Elections for Barack Hussein Obama II is merely a copy of the Democratic National Committee's (DNC) "Official Certification of Nomination" in which the DNC found the need to remove the "Qualification of Office" statement: "is qualified to serve under the provisions of the United States Constitution:" from the face of the document. The below image is the DNC's "Official Certification of Nomination" that was received by the Forty-Nine (49) States of the Union with the exception of the Secretary of State for the State of Hawaii.

  
**DEMOCRATIC NATIONAL COMMITTEE**

**OFFICIAL CERTIFICATION OF NOMINATION**

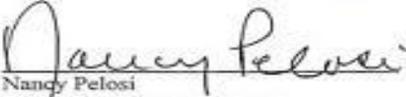
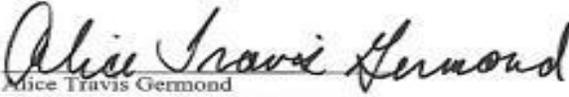
THIS IS TO CERTIFY that at the National Convention of the Democratic Party of the United States of America, held in Denver, Colorado on August 25 through 28, 2008, the following were duly nominated as candidates of said Party for President and Vice President of the United States respectively:

**For President of the United States**

**Barack Obama**  
5046 South Greenwood Avenue  
Chicago, Illinois 60615

**For Vice President of the United States**

**Joe Biden**  
1209 Barley Mill Road  
Wilmington, Delaware 19807

 Nancy Pelosi Chair, Democratic National Convention	 Alice Travis Germond Secretary, Democratic National Convention
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City and County of Denver    )  
State of Colorado                )    ss:

Subscribed and sworn to before me in the City and County of Denver, State of Colorado,  
this 28 day of August, 2008.

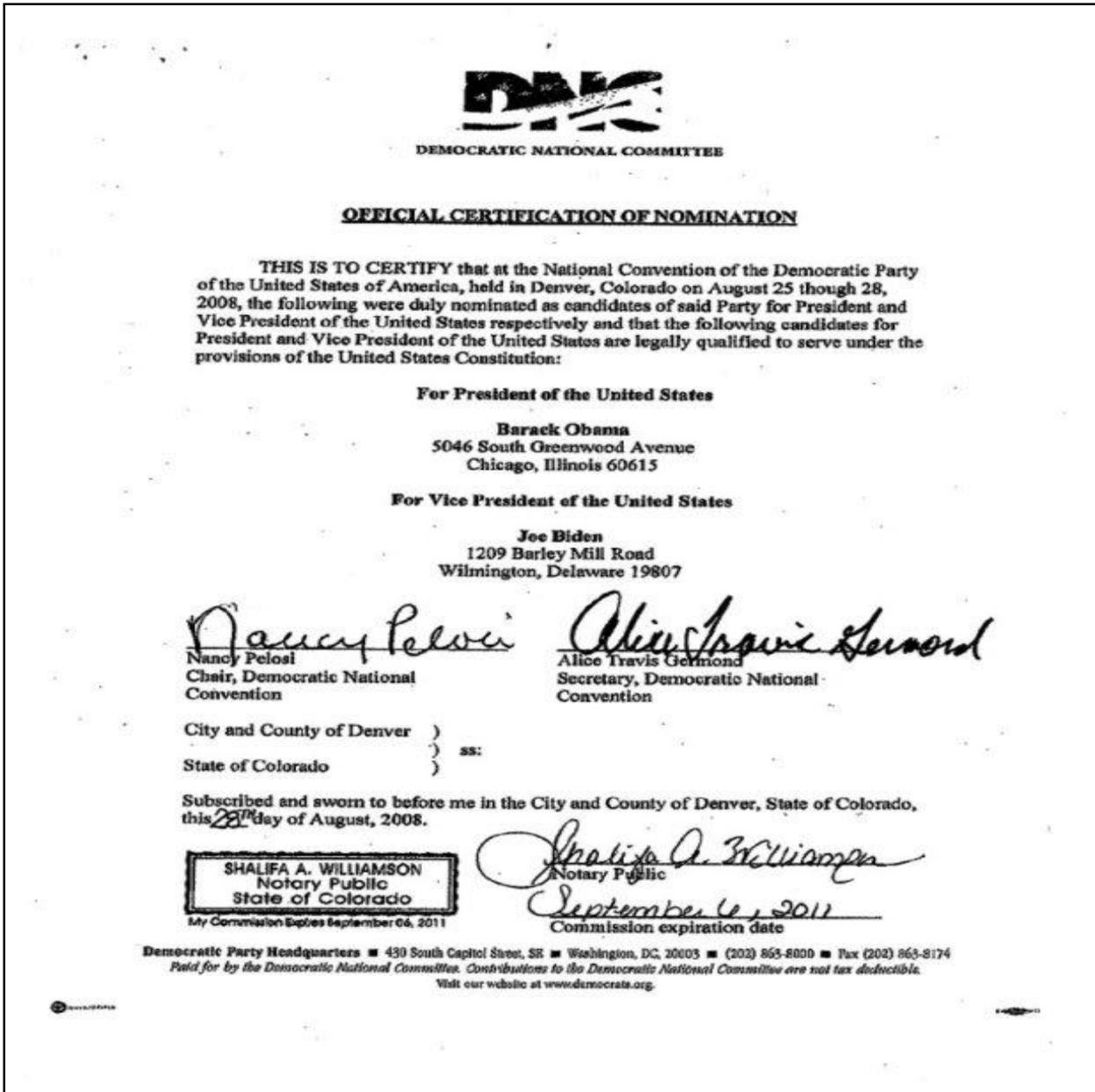
SHALIFA A. WILLIAMSON  
Notary Public  
State of Colorado

My Commission Expires September 06, 2011

  
Notary Public  
September 6, 2011  
Commission expiration date

Democratic Party Headquarters ■ 450 South Capitol Street, SE ■ Washington, DC, 20005 ■ (202) 863-8000 ■ Fax (202) 863-8174  
Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible.  
Visit our website at [www.democrats.org](http://www.democrats.org)

The below image is the DNC "Official Certification of Nomination" that went to the State of Hawaii.



As the DNC's "Official Certificate of Nomination" that is on file with the Alaska Division of Elections does not have the Qualification of Office statement, Barack Hussein Obama II, or his Delegates, are not qualified to appear on any Alaska Election Ballot.

The Director of Elections has taken the position that the missing qualification statement was an oversight or a mistake and was not intentional. Even if this is so, the DNC's "*Official Certificate of Nomination*" does not fulfill the filing requirements of AS 15.25.030(a)(9). (*Declaration of Candidacy*)

(a) A member of a political party who seeks to become a candidate of the party in the primary election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and must state in substance

(9) that the candidate will meet the specific citizenship requirements of the office for which the person is a candidate; ”

Although there appears to be no Alaska State Statutes declaring the qualifications to be filed with the Alaska Division of Elections for the Office of President for the United States of America, the cited Alaska Statutes must apply as it would be an absurdity in law that the Director of Elections may allow anyone to appear on the Alaska Election Ballots as a Candidate for the Office of President of the United States which may include those who are not "*natural born Citizens*" of the United States.

Also to be noted is that there are no procedures within the laws of the United States that allows the qualifications of the President or Vice President of the United States to be questioned by the People. With the absence of any procedures within the laws of the United States, the States must act as the responsible governmental bodies that determine the qualifications of Federal Candidates to appear on their State Election Ballots.

### **Barack Hussein Obama II is not a "*natural born Citizen*" of the United States**

As stated above, for an Individual to be a Candidate for the Office of President of the United States, the Candidate must meet the qualifications as set forth in the United States Constitution and one of those qualifications is that the Candidate shall be a "*natural born Citizen*" of the United States. As Barack Hussein Obama II is of

the “*Mulatto*” race, his status of citizenship is founded upon the Fourteenth Amendment to the United States Constitution. Before the [purported] ratification of the Fourteenth Amendment, the race of “*Negro*” or “*Mulatto*” had no standing to be citizens of the United States under the United States Constitution. /<sup>1</sup>

As the Fourteenth Amendment is only a grant of “*Civil Rights*” and not a grant of “*Political Rights*,” Barack Hussein Obama II does not have any “*Political Rights*” under any provision of the United States Constitution to hold any Public Office of the United States government. Furthermore, there is considerable debate within the enclosed supporting documents that shows Barack Hussein Obama II was not born on the soil of the United States and that he was not subject to the jurisdiction of the United States at the time of his birth. If this is true, it would appear that Barack Hussein Obama II may not only be in want of having the status of being a “*natural born Citizen*,” but he may not even be a “*citizen of the United States*.” Being absent of proper status of Citizenship, Barack Hussein Obama II, nor his Delegates, have the qualifications to appear on the Election Ballots for the State of Alaska.

**The Indiana Appellate Court case Steve Ankeny et.al. v. Gov. of State of Indiana, (No. 49A02-0904-CV-353) does not control this proceeding.**

As we look to the case of Steve Ankeny et.al. v. Governor of State of Indiana, No. 49A02-0904-CV-353 we see that it appears to be reciting the words from the U.S. Supreme Court case of U.S. v Wong Kim Ark , 169 U.S. 649, 18 S.Ct. 456 (1898) in regard to that part of the ruling that is being used to declare Barack Obama Jr. was a “*natural born [c]itizen*” of the United States by virtue of his birth on the soil of the United States (*State of Hawaii*) and that his birth qualifies him to appear on the Election Ballots for the State of Indiana. The Indiana Court of Appeals does error.

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<sup>1/</sup> see the case of Dred Scott v. Sanford, 60 U.S. 393 (1856) which has never been distinguished (overturned).

The United States Department of Law is misrepresenting this case of Steve Ankeny et.al. v. Governor of State of Indiana, No. 49A02-0904-CV-353 as a **Stare decisis** case which all the States of the Union may rely upon to dismiss any Complaints questioning the qualifications of Barack Hussein Obama II when in fact the case is nothing more than a very poor “*dicta*” case that is copied from the “*dicta*” case of United States v. Wong Kim Ark, 169 U.S. 649. The cases of United States v. Wong Kim Ark and Steve Ankeny v. Governor of State of Indiana have nothing to do with the citizenship status of Barack Hussein Obama II. If there are to be controlling cases, they would have to be the U.S. Supreme Court case of Minor v. Happersett (1874) 21 Wall. 162, 166-168 and the case of Perkins v. Elg, 307 U.S. 325, 327 (1939):

“At common law, with the nomenclature of which the framers of the constitution were familiar, it was never doubted that all children born in a country, of parents **(plural)** who were its citizens **(plural)**, became themselves, upon their birth, citizens also. These were natives or natural-born citizens, as distinguished from aliens or foreigners. Some authorities go further, and include as citizens children born within the jurisdiction, without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first. For the purposes of this case, it is not necessary to solve these doubts. It is sufficient, for everything we have now to consider, that all children, born of citizen parents **(plural)**, within the jurisdiction, are themselves citizens.”

Minor v. Happersett (1874) 21 Wall. 162, 166-168.

In the case of Perkins v. Elg, 307 U.S. 325, 327 we find:

**U. S. Supreme Court's Relevant Facts:** Miss Elg was born in Brooklyn, New York, on October 2, 1907. Her parents, who were natives of Sweden, emigrated to the United States sometime prior to 1906 and her father was naturalized here in that year. In 1911, her mother took her to Sweden where she continued to reside until September 7, 1929. Her father went to Sweden in 1922 and has not since returned to the United States. In November, 1934, he made a statement before an American consul in Sweden that he had voluntarily expatriated himself for the reason that he did not desire to retain the status of an American citizen and wished to preserve his allegiance to Sweden.

**U. S. Supreme Court's Holding:** The court below, properly recognizing the existence of an actual controversy with the defendants (Aetna Life Ins. Co. v. Haworth, 300 U.S. 227, 57 S.Ct. 461, 81 L.Ed. 617, 108 A.L.R. 1000) declared Miss Elg 'to be a natural born citizen of the United States' (99 F.2d 414) and we think that the decree should include the

Secretary of State as well as the other defendants. [Perkins v. Elg, 307 U.S. 325, 350 (1939).]

**Rationale of the logic is as follows:** The U. S. Supreme Court in 1939 held that Elg was a NATURAL BORN CITIZEN because she was born in Brooklyn, New York on October 2, 1907, her father was naturalized as a U.S. citizen in 1906 under the Naturalization Act of 1906, and her mother derived her US citizenship in 1907 under the Expatriation Act of 1907 as proof, and being that, Elg was born prior to the 19<sup>th</sup> Amendment, ratified on August 18, 1920, her status was still tied to that of her husband.

Ms. Elg was found to be a "*natural born citizen*" because she was born in the mainland U.S.A. (*New York*) of TWO U.S. citizen parents. (*plural*)

As Barack Hussein Obama II father was never a United States citizen (*naturalized or otherwise*), Barack Obama Jr. did not have two parents who were citizens of the United States at the time of his birth and therefore, he is not a "*natural born Citizen*" of the United States and thus he, or his Delegate, are not qualified to appear of the Election Ballots of the State of Alaska as a Candidate for the Office of President of the United States.

### **The need for "*verified*" Documents**

From the enclosed supporting documents to this Complaint, we see that there are many "*Certificates of Live Birth*" for Barack Hussein Obama II. Which of these Documents represent the true and correct "*Live Birth Certificate*" (*if any*) is anyone's guess. But nevertheless, under the Fourteenth Amendment to the U.S. Constitution, it is not enough for Barack Hussein Obama II to prove that he was born on the soil of the United States, but he must also prove that his parents were subject to the jurisdiction of the United States at the time of his birth. It is Barack Obama Jr.'s responsibility to provide the Alaska Director of Elections "*verified*" documents that show his parents status of having permanent "*Residence*" and his parents "*Allegiance*" at the time of his birth. "*Residence*" and "*Allegiance*" are the requirements of "*jurisdiction*" of the

Fourteenth Amendment and “*jurisdiction*” cannot be presumed, it must be proven.<sup>2</sup> Absence of having “*verified*” documents on file with the Alaska Division of Elections when the credentials of Barack Hussein Obama II are questionable, the Director of Elections is without authority to place Barack Hussein Obama II, or his Delgates, on the Election Ballots for the State of Alaska.

### **Enclosed Documents**

The enclosed Documents that are addressed to the Secretary of State for the State of Georgia [**Exhibit “A”**] and the Letter to Judge Elaine B. Brown of the Indiana Court of Appeals [**Exhibit “B”**] are provided to clarify the question of citizenship of Barack Hussein Obama II and his qualifications to be a Candidate for the Office of President of the United States. These two Documents are to be made a part of the Administrative Record for this Complaint.

### **Prayer for Relief**

The Objector of this Complaint, Gordon Warren Epperly, hereby moves the Director of the Alaska State Division of Elections to withhold the name of Barack Hussein Obama II, Aka Barack Hussein Obama, Aka Barack H. Obama or his Electors from appearing on the Election Ballots for the State of Alaska as a Candidate for the Office of President of the United States until such time Mr. Barack Obama Jr. produces “*verified*” documents that declare the statements therein to be true, complete, and correct, under “*Penalties of Perjury*” which qualifies him to be a Candidate for the Office of President of the United States of America.

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<sup>2/</sup> Alfonso v. Skadden, 251 S.W.3d 52, 55 (Tex. 2008) (per curiam); OAIC Commercial Assets, L.L.C. v. Stonegate Village, L.P., 234 S.W.3d 726, 735 (Tex. App.-Dallas 2007, pet. denied); Univ. of Tex. Sw. Med. Ctr. at Dallas v. Loutzenhiser, 140 S.W.3d 351, 358 (Tex. 2004).

**Verification**

I, Gordon Warren Epperly, hereby certifies under the “*Penalties of Perjury*” that the statements made herein are true to the best of my knowledge.

DATED this Twenty-First day of the month of February in the year of our Lord Jesus Christ, Two-Thousand and Twelve.

Seal [Thumb Print]



*Gordon Warren Epperly*

Gordon Warren Epperly

**Certificate of Mailing**

The Alaska Administrative Code at 6 AAC 25,260(e) declares that the Director will send notification in writing to the candidate whose eligibility is being questioned that a complaint has been received. The notification will include a copy of the complaint, and, based on the director’s review of the public documents, a statement as to whether a preponderance of evidence supports or does not support the eligibility of the candidate.