

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

PODER LATINX, YIVIAN LOPEZ
GARCIA, and HUMBERTO
ORJUELA PRIETO

Plaintiffs,

v.

CORD BYRD, in his official capacity
as Florida Secretary of State, and
JAMES UTHMEIER, in his official
capacity as Florida Attorney General,

Defendants.

Case No. _____

COMPLAINT

Plaintiffs PODER LATINX, YIVIAN LOPEZ GARCIA, and HUMBERTO ORJUELA PRIETO, bring this action against Defendants Florida Secretary of State CORD BYRD and Florida Attorney General JAMES UTHMEIER in their official capacities, and allege the following:

INTRODUCTION

1. This lawsuit challenges harsh and irrational restrictions on community-based initiative petitioning speech and activity, in violation of the First and Fourteenth Amendments. Plaintiffs bring this action to prevent enforcement of provisions in a new Florida law that unlawfully discriminates against Poder Latinx's

workforce and individual Plaintiffs Yivian Lopez Garcia and Humberto Orjuela Prieto on the basis of citizenship status in violation of the Fourteenth Amendment's Equal Protection Clause. The law's discrimination against Plaintiffs on the basis of citizenship status is an unconstitutional alienage classification. Its onerous and overbroad requirements do not serve, and cannot be justified by, any compelling or even legitimate interest.

2. Plaintiffs also bring this action to stop the challenged law from unconstitutionally burdening and chilling their core political speech and associational rights. Specifically, the law would infringe on Plaintiffs' right to encourage civic engagement and democratic participation by collecting Florida citizens' signatures in support of citizen initiative petitions.

3. Plaintiffs' initiative-petitioning efforts are "core political speech" involving "interactive communication concerning political change." *Meyer v. Grant*, 486 U.S. 414, 422 (1988). Collecting signatures and circulating initiative petitions are themselves political and philosophical statements, signaling that Plaintiffs value the democratic process and believe in the capacity of the popular will to shape the composition and direction of the government. This untailored and overbroad law cannot possibly survive the exacting scrutiny applied to such restrictions on political speech.

4. "[F]reedom of speech . . . which [is] secured by the First Amendment

against abridgment by the United States, [is] among the fundamental personal rights and liberties. . . .” *Thornhill v. Alabama*, 310 U.S. 88, 95 (1940). This freedom “embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment,” *id.* at 101–02, and encompasses the “right freely to engage in discussions concerning the need for . . . change” through the circulation of initiative petitions. *Meyer v. Grant*, 486 U.S. 414, 421 (1988).

5. On May 7, 2025, Governor Ron DeSantis signed House Bill 1205 into law. Fla. Laws ch. 2025-21. The bill revises section 100.371 of the Florida Statutes by adding a host of burdens on organizations and individuals who engage in initiative petitioning activities, including provisions that make Florida uniquely restrictive among the states that permit constitutional amendments by citizen-led initiatives. *Id.* § 4.

6. Among other things, the newly revised section 100.371 (“the Law”) prohibits “collect[ing] signatures or initiative petitions if” a petition circulator “is not a citizen of the United States.” Fla. Stat. § 100.371(4)(b)(2).¹ This Non-Citizen Ban takes effect on July 1, 2025. *Id.* § 100.371(4)(a). To facilitate implementation of the Non-Citizen Ban, the Law also requires “petition circulators” to register with

¹ Unless otherwise noted, statutory citations are to the statute as amended by HB 1205. *See* Fla. Laws ch. 2025-21 (amending Fla. Stat. § 100.371 (2025)).

Florida's Secretary of State and sign a statement under penalty of perjury indicating whether they are a citizen of the United States (hereinafter "Citizen Oath"). *Id.* § 100.371(4)(c)(7).

7. In the event of a violation, the Law imposes a \$50,000 fine on the initiative amendment sponsor for "each person the sponsor knowingly allows to collect petition forms" who is not a United States citizen, Fla. Stat. § 100.371(4)(g), and authorizes the Secretary of State to refer any instance in which the Secretary "reasonably believes that a person has committed a violation of this section" to the Attorney General for enforcement, *id.* § 100.371(11).

8. The Law completely bans Plaintiffs Yivian Lopez Garcia and Humberto Orjuela Prieto, who are lawful permanent residents, from collecting signatures for initiative petitions. And for Plaintiff Poder Latinx, the Law effectively shuts the organization's initiative petitioning program by barring use its extensive non-citizen workforce. The majority of Poder Latinx's Florida staff and canvassers are non-citizens authorized to work in the United States, i.e., legal permanent residents or participants with work authorizations in deferred action or temporary protected status programs.

9. In April 2025, before passage of the Law, Poder Latinx launched a petitioning program during a series of public events in Orange County. At these events, Poder Latinx staff incorporated tabling for the citizen-led amendment to

expand Medicaid in Florida. Poder Latinx planned to continue collecting signatures for the Medicaid expansion petition at future events and scale up into a substantial petitioning operation with paid canvassers, including veteran non-citizen canvassers. However, the Law's increased restrictions and expanded liability, especially the Non-Citizen Ban, caused Poder Latinx to suspend all of its petitioning work, even work done by citizen staff.

10. Unless the Non-Citizen Ban and Citizen Oath provisions are enjoined, Plaintiffs' constitutionally protected political speech will continue to be chilled. Plaintiffs, as well as many other individuals and groups, will communicate fewer civic and nonpartisan political messages and refrain from engaging in associational activity important to advancing their missions and beliefs. The public—and particularly Florida's Latino communities, whom Plaintiffs serve—will have fewer options to engage in Florida's ballot initiative process and fewer opportunities to associate with Plaintiffs in meaningful civic engagement activities. And the individual plaintiffs, both of whom are authorized to work in the U.S., will lose a source of employment and income as petition circulators solely because of their citizenship status, with harmful financial consequences to themselves and their families.

11. For these reasons, and those specifically alleged herein, Plaintiffs seek a declaratory judgment and injunction prohibiting Defendants from enforcing the

Non-Citizen Ban, the Citizen Oath, and related provisions and permitting Plaintiffs' constitutionally protected community-based initiative petitioning speech and activities to continue.

JURISDICTION AND VENUE

12. This action is brought under the Constitution and laws of the United States. The Court, therefore, has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1357, and 42 U.S.C. §1983. It also has jurisdiction to grant the declaratory relief requested under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and Federal Rule of Civil Procedure 57.

13. This Court has personal jurisdiction over each Defendant because each is a citizen of Florida, and their principal places of business are in Tallahassee.

14. Venue in this District is proper pursuant to 28 U.S.C. § 1391(b) because all Defendants reside in this District and because a substantial portion of the events giving rise to these claims occurred in this District.

PARTIES

A. Plaintiffs

15. Plaintiff PODER LATINX is a social justice, organizing, and civic engagement organization whose mission is to help ensure that Latino communities, inclusive of immigrants and people of color, are decision-makers in our democracy. Poder Latinx works in Florida to expand the electorate by conducting year-round

civic engagement activities, community empowerment, leadership development, and issue-based organizing with a focus on three key issues: immigrant justice, climate justice, and economic justice.

16. Poder Latinx carries out its mission to increasing access to democracy for the Latino community through voter registration and other civic engagement work, including petition gathering.

17. Increasing access to democracy for the Latino community, including through citizen-led initiative petitioning, is integral to the mission of Poder Latinx. For example, prior to the enactment of the Law, Poder Latinx and its staff had been working on behalf of the Medicaid for All campaign because expanding access to affordable healthcare for Latino Floridians is an important part of Poder Latinx's commitment to economic justice. Relying on non-citizen staff, volunteers, and workers to assist with petition gathering furthers Poder Latinx's mission to advance the rights of the immigrant community. Just like assisting with voter registration, assisting with petition gathering is an important avenue for immigrant civic engagement.

18. Before the Law passed, Poder Latinx had planned to expand its petitioning work for the Medicaid for All campaign by hiring paid canvassers to collect petition signatures at Latino community events and businesses. To expand this program, Poder Latinx expected to rely on veteran canvassers—most of whom

are non-citizens—because their relationships with business owners, experience interfacing with the public, and knowledge of Poder Latinx’s canvassing infrastructure would make them more effective at gathering signatures and leading team members. Following passage of the Law, however, Poder Latinx suspended its petitioning program altogether because of the Law’s new restrictions and associated liability. The Law prevents Poder Latinx from continuing to associate with its non-citizen workforce to carry out its petitioning program.

19. The Law significantly hampers Poder Latinx’s ability to carry out its core mission of representing and advocating for its constituents in the Florida Latino community. Poder Latinx works closely with Latino citizens, including newly naturalized citizens, to support their civic engagement, relying in part on a network of key community activists who help shape Poder Latinx’s agenda and who play a critical role in implementing Poder Latinx’s programs. The Law will harm Poder Latinx’s constituents—Latino communities in Florida—because it prevents Poder Latinx from widespread engagement with Latino Floridian citizens about their opportunity to participate in direct democracy efforts to expand Medicaid access.

20. Plaintiff HUMBERTO ORJUELA PRIETO is a resident of Florida, a citizen of Colombia, and a lawful permanent resident of the United States (LPR). Since 2022, Mr. Orjuela Prieto has worked as a paid canvasser for voter registration campaigns conducted by organizations such as Poder Latinx, UnidosUS, and Mi

Familia Vota. But for the passage of the Law, he planned to be employed as a petition circulator. In an off-election year, paid canvassing opportunities for voter registration are limited, but paid opportunities to gather petition signatures are much more abundant. Canvassing is personally rewarding for Mr. Orjuela Prieto because helping inform community members, especially those lacking adequate information about the democratic process, is meaningful to him. In addition to its civic value, Mr. Orjuela Prieto relies on canvassing as a source of income.

21. Plaintiff YIVIAN LOPEZ GARCIA is a resident of Florida, a citizen of Cuba, and an LPR. Since 2018, she has worked as a canvasser for organizations, including Poder Latinx, UnidosUS, and Mi Familia Vota, and has participated in voter registration and petition drives across the state, including petition work for the Amendment 4 campaign, which restored the right to vote for formerly incarcerated individuals in the state of Florida. But for the Law, Ms. Lopez Garcia planned to be employed as a petition circulator. She engages in canvassing and petitioning because she enjoys the work; believes it is meaningful to the Latino community; and sees it as a way to contribute to positive change.

B. Defendants

22. Florida's Secretary of State, CORD BYRD, is the State's chief election officer. *See* Fla. Stat. § 97.012. The Secretary's duties consist of, among other things, "[o]btain[ing] and maintain[ing] uniformity in the interpretation and implementation

of the election laws.” *Id.* § 97.012(1). To that end, he may adopt “uniform standards for the proper and equitable interpretation and implementation” of the election laws. *Id.* The statutory responsibilities of the Secretary and his Division of Elections also include managing initiative petitioning, overseeing third-party voter registration organizations, including petition circulation, and ensuring that petition circulators comply with the Law. *Id.* § 97.012(15). Thus, the Secretary is responsible for implementing and enforcing the Law. If the Secretary reasonably believes that a person or organization has violated the Law, he may refer the matter to the Attorney General for enforcement. *Id.* § 97.0575(8).

23. Florida’s Attorney General, JAMES UTHMEIER, is tasked with the power and responsibility to enforce the Law, after receiving a referral from the Secretary. Fla. Stat. § 97.0575(8). The Attorney General may institute a civil action for a violation of the Law or to prevent a violation of the Law. *Id.* The Attorney General also requests opinions from the Florida Supreme Court regarding the validity of initiative petitions. Fla. Stat. § 16.061; Fla. Const. art. IV, § 10.

FACTS

C. Right to Citizen-led Petition Initiatives in Florida

24. Since 1968, the Florida Constitution has protected citizens’ rights to pass constitutional amendments by citizen-led initiatives without requiring legislative approval. Fla. Const. art. XI, § 3.

25. Adding a proposed constitutional amendment to Florida’s ballots is not easy. Florida’s Constitution requires an initiative sponsor to obtain signatures from eight percent of voters in at least half of the state’s congressional districts and statewide. *Id.*

26. In addition to the volume of signatures, the eight percent threshold mandates geographic diversity of signatures in support of an initiative. In each congressional district a sponsor obtains signatures from, they must obtain the number of signatures equivalent to eight percent of the votes cast in that district in the most recent presidential election. *Id.*

27. To thus qualify an initiative on the ballot for the 2026 General Election, supporters of an initiative would need to collect at least 880,062 valid voter signatures.²

28. Florida currently has twenty initiative petitions for constitutional amendments that Floridians are actively seeking to place on the 2026 general ballot, including an amendment to expand Medicaid access.

29. Petition circulators are indispensable to these initiative petition campaigns. These individuals and organizations engage directly with Floridians to

² See Fla. Div. Elections, Constitutional Amendments/Initiatives, <https://dos.fl.gov/elections/laws-rules/constitutional-amendmentsinitiatives/> (“For placement on the 2026 General Election ballot, an initiative petition must be signed by 880,062 voters”) (last updated May 30, 2025).

collect the necessary number of signatures to place a measure on the ballot. Petition circulators both gather signatures, circulate petitions, and educate Floridians about the public policies an initiative seeks to implement.

D. Florida’s Pattern of Increasing Burdens on Participating in the Democratic Process.

30. The Law follows a pattern in Florida of the State chilling Floridians’ access to direct democracy under the guise of election integrity.

31. The legislative assault against democratic practices shifted towards attacking Florida’s non-citizen residents in 2023 with SB 7050. SB 7050 prohibited noncitizens from “collecting or handling voter registration applications” based on their alienage. Fla. Stat. § 97.0575(1)(f). A United States District Court permanently enjoined the facially discriminatory law in violation of the Equal Protection Clause in 2024. *See Hisp. Fed’n v. Byrd*, 719 F. Supp. 3d 1236 (N.D. Fla. 2024). Despite this clear federal court precedent, the Florida legislature took up the same kind of facial alienage restriction again in 2025.

E. HB 1205’s Non-Citizen Provision

32. On May 2, 2025, Governor Ron DeSantis signed HB 1205 into law.

33. The Law imposes several new restrictions on who can collect signatures for the purpose of qualifying an amendment for ballot placement, including a total ban on all noncitizens from collecting signatures.

34. Specifically, the Law states that “[a] person may not collect signatures

or initiative petitions if he or she . . . [i]s not a citizen of the United States.” Fla. Stat. § 100.371(4)(b)(2).

35. The Law imposes a \$50,000 fine on the sponsor of an initiative amendment “for each person the sponsor knowingly allows to collect petition forms on behalf of the sponsor in violation of” the noncitizen prohibition from gathering signatures or initiative petitions. Fla. Stat. 100.371(4)(g).

36. The Law also requires all “petition circulators”—now defined to include all paid *and* unpaid individuals who collect more than 25 initiative petition signatures (not including their own or that of immediate family members)—to register with Florida’s Secretary of State. These petition circulator applicants must take an oath under penalty of perjury checking whether they are a citizen of the United States. Fla. Stat. § 100.371(4)(c)(7).

F. The Law’s Impact on Plaintiffs

37. The Law imposes severe burdens on the initiative petitioning activities engaged in by Plaintiffs and similar groups and individuals.

38. The Non-Citizen Ban will severely limit Poder Latinx’s effectiveness in promoting democratic participation, make it costlier and more resource-intensive to conduct initiative petitioning with a citizen-only workforce, and severely chills speech because of the overbroad and unwarranted limitations it places on who can engage in petition circulation and signature gathering. The Non-Citizen Ban will

also severely impact the Latino constituency Poder Latinx represents by impairing its ability to advocate for initiatives critical to the Latino community.

39. In particular, Poder Latinx's non-citizen workforce includes canvassers who knock on doors, field leads who drive the canvassers to different communities, and community organizers who coordinate community engagement programs where petitions are circulated. Many of Poder Latinx's most experienced workers are noncitizens who have developed deep relationships with the Latino communities it serves.

40. Most immediately, the Law prohibits Poder Latinx from continuing to have its non-citizen employees gather signatures for the Medicaid for All Campaign and from carrying out its plan to hire veteran non-citizen canvassers to scale up its Medicaid expansion petitioning program. Poder Latinx's staff members started working on the campaign in April 2025, and before the passage of the Law, Poder Latinx planned to significantly expand its petitioning efforts in support of the program by engaging more of its workforce and hiring paid canvassers to engage in initiative petition gathering.

41. The Law has frozen Poder Latinx's initiative petitioning speech: the majority of Poder Latinx's Florida staff and workforce are noncitizens, including its field organizers, community organizers, and canvassers. Without non-citizen workers, Poder Latinx cannot effectively continue to engage in initiative petitioning

activities and participate in constitutionally protected speech.

42. The Non-Citizen Ban will result in Poder Latinx losing the institutional knowledge of veteran canvassers because there is no voter registration work to offer them this year. Without sustaining its non-citizen workforce, Poder Latinx cannot resume and scale up its initiative petitioning activities or have an experienced workforce in place to resume voter registration work in the future. The impact of the Law is particularly harsh in 2025 because in an off-election year, Poder Latinx's canvassing infrastructure will not be supplemented by voter registration work. This harm impedes Poder Latinx's ability to engage in constitutionally protected speech.

43. Under the Law, Poder Latinx will also lose institutional knowledge and goodwill that its non-citizen workforce has cultivated in the Latino community. The trusting relationships that Poder Latinx field leads, community organizers, and canvassers have built with businesses in the community—like grocery stores and restaurants—are key to Poder Latinx's effectiveness with its civic engagement work, including its petitioning program. In an off-election year, these community relationships and institutional knowledge will not be maintained by voter registration canvassing work, also harming future civic engagement work.

44. Likewise, Poder Latinx's canvassing infrastructure will lose the years of experience and expertise of working with historically underrepresented communities developed by Poder Latinx's non-citizen workforce. Some senior staff

at Poder Latinx have worked their way up: from canvassers, to field leads, to organizers, to coordinators. Knowledge obtained on their journey to becoming Poder Latinx organizers is shared with new staff starting work as canvassers. Instead of expanding petition circulation work across central Florida, Poder Latinx will have a dormant canvassing operation this year.

45. Conducting petition activities in accordance with the Law effectively prevents Poder Latinx from working with many U.S. citizens as well. The Citizen Oath requires petition circulators to affirm under penalty of perjury that all people physically possessing, delivering, or collecting over 25 signed petitions on their behalf are citizens. But confirming citizenship status is no easy task. As one court recently explained:

Determining whether a person acquired or derived citizenship is a complex inquiry and illustrates the fluidity one may experience with respect to immigration status.

For derivative citizenship, the analysis can turn on, among other things: which parent is a citizen, when that parent became a citizen, whether the person's parents were married, whether and when the U.S. citizen parent lived in the United States and for how long, whether the father legitimated the child, whether the child lived in the custody of the U.S. citizen parent or parents, and at what point the child lived in the custody of the U.S. citizen parent(s).

In some cases, a determination on derivative citizenship may depend on knowing whether a person's grandparent(s) were U.S. citizens or whether a person or their parent(s) served in the U.S. Armed Forces.

Gonzalez v. Immigr. & Customs Enf't, 416 F. Supp. 3d 995, 1004 (C.D. Cal. 2019)

(citations and paragraph numbers omitted), *rev'd and vacated on other grounds*, 975 F.3d 788 (9th Cir. 2020).

46. There is no reliable or accessible government database for Plaintiffs to search to determine the citizenship status of an employee or volunteer. Indeed, even government officials routinely mistake persons' citizenship status because the central immigration database "frequently shows naturalized citizens as green card holders" and "provides no information on derivative citizenship," which is why "many U.S. citizens become exposed to possible false arrest when ICE relies solely on deficient databases." *Gonzalez*, 416 F. Supp. 3d at 1018 (citation and internal quotation marks omitted).

47. Difficulty determining citizenship status is a known problem in Florida, as recent public reports have demonstrated:

Miami[-Dade County]'s records show that between February 2017 and February 2019, ICE sent the jail 420 detainer requests for people listed as U.S. citizens, only to later cancel 83 of those requests—evidently because the agency determined, after the fact, that its targets were in fact U.S. citizens. The remaining individuals' detainers were not canceled, and so they continued to be held for ICE to deport them.

ACLU of Florida, *Citizens on Hold: A Look at ICE's Flawed Detainer System in Miami-Dade County*, at 2–3 (Mar. 20, 2019),

https://www.acluf.org/sites/default/files/field_documents/acluf_report_-_citizens_on_hold_-_a_look_at_ices_flawed_detainer_system_in_miami-dade_county.pdf.

48. In order to assure petitioning sponsors that Poder Latinx has not mistakenly permitted noncitizens to collect signatures, it will have to turn away help from citizens who cannot demonstrate *proof* of citizenship, requiring it to turn down even U.S.-citizen workers who cannot (or do not wish to) furnish the requisite proof.

49. Even the threat of an investigation, let alone the potential for prosecution, by the Department of State or Attorney General's Office for a violation of the Law is sufficient to chill Plaintiffs' speech and association.

50. The Law's fines threaten initiative sponsors with substantial monetary liability, which has chilled their hiring of Plaintiffs to engage in initiative petitioning speech and activities and is already affecting Poder Latinx's planning for Florida's 2025 elections. For example, the Florida Decides Healthcare sponsor has slowed down efforts to have Poder Latinx be a partner for its petitioning campaign to expand Medicaid.

51. Since the passage of and in response to the Law, Poder Latinx has stopped its petition circulation activities and imposed a moratorium on *all* petition circulation activities, even by its citizen staff who did petitioning work before the Law. If Poder Latinx continues engaging in initiative petitioning efforts, the Law will force it to expend significant time and resources toward hiring and training a new citizen-only workforce, who would then need to rebuild the community relationships that are necessary to its work. The Non-Citizen Ban and the Law's other

requirements significantly and unnecessarily burden Poder Latinx's scarce organizational resources, which they would otherwise spend circulating petitions, helping eligible voters register, follow up with voters and petition signers, and undertake other activities to advance its mission.

52. And even if Poder Latinx concluded it was able to resume initiative petitioning activities, it would likely need to significantly scale back its plans—either intentionally or simply because most of its workforce is noncitizen and forbidden from circulating petitions.

53. The Law will also impact and harm the communities and constituents that Plaintiffs serve and work with, including both citizens and noncitizens.

54. The Non-Citizen Ban directly harms Poder Latinx's mission in several ways. First, increasing access to democracy for the Latino community, including through direct democracy like citizen-led initiative petitioning, is integral to the mission of Poder Latinx—and the Law has suspended this work. Second, expanding access to affordable healthcare for Floridians is an important part of Poder Latinx's commitment to economic justice and motivates its agreement with the sponsor of the Medicaid for All Campaign to help collect petition signatures. The Law has thwarted Poder Latinx's efforts to support this campaign. Finally, relying on non-citizen staff, volunteers, and workers to assist with petition gathering furthers Poder Latinx's mission to advance the rights of the immigrant Latino community. Just like assisting

with voter registration, assisting with petition gathering is an important avenue for immigrant civic engagement. The Law has undermined Poder Latinx's ability to promote immigrant civic engagement through the citizen led amendment process.

55. Poder Latinx is currently unable to disseminate its messages of democratic participation, immigrant civic engagement, and expanded economic wellbeing through its initiative petitioning program.

56. Poder Latinx has engaged with substantially fewer Floridian citizens eligible to participate in direct democracy expanding access to Medicaid than they could absent the Law. In this way, the Law impacts Florida's Latino community, which is part of the constituency Poder Latinx serves through its initiative petitioning program. Poder Latinx works closely with Latino citizens, including newly naturalized citizens, to support their civic engagement, relying in part on a network of key community activists who help shape Poder Latinx's agenda and who play a critical role in implementing Poder Latinx's programs. Thus, the Law will impact and harm Poder Latinx's constituents.

57. Individual plaintiffs, Mr. Orjuela Prieto and Ms. Lopez Garcia, are LPRs who, but for the Non-Citizen Ban, intended to engage in ballot petition canvassing as a lawful form of political expression and potential source of income.

58. As a result of the Law, each of the individual plaintiffs will have their core political speech and association not just chilled—but prohibited.

CLAIMS FOR RELIEF

COUNT I: Free Speech and Association
(Violation of Plaintiffs' First Amendment Rights
Pursuant to 42 U.S.C. § 1983)

59. Plaintiffs incorporate Paragraphs TKTK, and TKTK of this Complaint into this section by reference.

60. The Law imposes severe burdens on the initiative petitioning activities engaged in by Plaintiffs and similarly situated petition circulators. These requirements will limit Plaintiffs' effectiveness in promoting democratic participation, make it costlier and more resource-intensive to conduct initiative petitioning, and chill speech because of the overbroad and unwarranted limitations they place on who can be a petition circulator.

61. The First Amendment to the U.S. Constitution prohibits abridgment of freedom of speech.

62. The Law directly restricts Plaintiffs' core political speech and expressive conduct in communicating their belief in the right of citizens to directly shape the composition and direction of the government. Plaintiffs' petitioning work sends the message that they support and promote democratic participation, especially by eligible Latino voters in Florida. Advocating that belief through their petitioning work is in itself a political and philosophical statement.

63. Moreover, the Law implicates Plaintiffs' associational rights to band

together to engage in initiative petitioning activities and assist community members to participate in civic life through citizen-led petitions. In addition to limiting Poder Latinx’s associational activities with voters, the Law completely forecloses the individual plaintiffs from associational activity with both voters *and* with the plaintiff organization itself.

64. “[P]etition circulation ... [is] core political speech[.]” *Buckley v. Am. Constitutional L. Found., Inc.*, 525 U.S. 182, 210 (1999) (Thomas, J., concurring). The circulation of an initiative petition for signatures is “the type of interactive communication concerning political change that is appropriately described as ‘core political speech.’” *Meyer v. Grant*, 486 U.S. 414, 422–23 (1988). “First Amendment protection for such interaction ... is at its zenith.” *Buckley*, 525 U.S. at 186 (internal quotation marks omitted).

65. “[L]aws that govern the political process surrounding elections—and, in particular, election-related speech and association—go beyond merely the intersection between voting rights and election administration, veering instead into the area where ‘the First Amendment has its fullest and most urgent application.’” *League of Women Voters v. Hargett*, 400 F. Supp. 3d 706, 722 (M.D. Tenn. 2019) (citation omitted).

66. The Law’s onerous requirements burden Plaintiffs’ political expression, diminishing their ability to convey and advance its message by engaging more

individuals in the political process.

67. The threat of significant penalties on sponsors if they fail to ensure that each and every person who handles an initiative petition forms is a U.S. citizen, also burdens Poder Latinx's First Amendment rights. Specifically, sponsors like Florida Decides Healthcare are less likely to hire Poder Latinx because of its longstanding reliance on non-citizen canvassers. Thus, the penalties associated with the Law's Non-citizen Ban will severely restrict Poder Latinx's abilities to hire or partner with would-be petition circulators and obtain funding from sponsors for petitioning work.

68. The Law is an impermissible content-based restriction on speech because speakers who engage in protected activity about initiative petitioning are subject to restrictions that do not apply to other constitutionally protected activities, like voter registration, get-out-the-vote efforts, and campaigning.

69. Because of its chilling effect on Poder Latinx's protected activities, the Law unconstitutionally infringes upon Poder Latinx's First Amendment. As to the individual plaintiffs, the Law not just chills but outright prohibits their core political speech and association rights. Chilling Plaintiffs' initiative petitioning activities will "reduce[] the voices available to convey political messages." *Buckley*, 525 U.S. at 210 (Thomas, J., concurring). Reducing the voices available to speak in favor of political participation and initiative petitioning runs afoul of the First Amendment.

70. These requirements are not narrowly tailored to serve any compelling

state interest. Indeed, these requirements do not actually advance any legitimate regulatory interest and serve little purpose other than to dissuade civic organizations and individuals from engaging in initiative petitioning activity. Under the exacting scrutiny applied in *Meyer*, or any other level of scrutiny, these requirements fail.

COUNT II: Substantial Overbreadth
(Violation of Plaintiff Poder Latinx’s
First Amendment Rights Pursuant to 42 U.S.C. § 1983)

71. Plaintiffs incorporate Paragraphs TKTK, and TKTK of this Complaint into this section by reference.

72. The Law imposes severe burdens on the initiative petitioning activities engaged in by Poder Latinx and similar organizations. These requirements will limit Poder Latinx’s effectiveness in promoting democratic participation, make it costlier and more resource-intensive to conduct initiative petitioning, and chill speech because of the overbroad and unwarranted limitations they place on who can collect signatures and circulate petitions.

73. To the extent any of the conduct proscribed by section 100.371 can be lawfully prohibited under the First Amendment, the Law is unconstitutionally overbroad, as it regulates a substantial amount of constitutionally protected expression. *See United States v. Williams*, 553 U.S. 285, 292 (2008).

74. “The overbreadth doctrine is designed ‘to prevent the chilling of protected expression.’” *Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1125 (11th

Cir. 2022) (quoting *Massachusetts v. Oakes*, 491 U.S. 576, 584 (1989)).

75. A statute’s overbreadth is judged by its “possible direct and indirect burdens on speech.” *Weaver v. Bonner*, 309 F.3d 1312, 1318 (11th Cir. 2002) (citations omitted). The indirect burdens imposed by the Law plainly demonstrate its overbreadth. For example, Poder Latinx will no longer permit individuals to engage Floridians with initiative petitioning efforts unless they can demonstrate *proof* of citizenship, requiring them to turn down even U.S.-citizen staff and volunteers who cannot furnish the requisite proof.

76. Because Poder Latinx, and other organizations will be “inhibited in utilizing their protected first amendment communications because of the existence of the overly broad statute,” the Law is unconstitutionally overbroad. *Clean Up ‘84 v. Heinrich*, 759 F.2d 1511, 1514 (11th Cir. 1985).

COUNT III: Due Process – Void for Vagueness
(Violation of Plaintiffs’ Fourteenth Amendment Rights,
Pursuant to 42 U.S.C. § 1983)

77. Plaintiffs incorporate Paragraphs TKTK of this Complaint into this section by reference.

78. The Law’s commands are impermissibly vague and overbroad, such that the regulated individuals and organizations do not know which requirements apply to them and what steps to take to ensure proper compliance with the Law.

79. Under due-process principles, a law is “void for vagueness if its

prohibitions are not clearly defined.” *Dream Defs. v. Governor of the State of Fla.*, 57 F.4th 879, 890 (11th Cir. 2023) (quoting *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972)).

80. “Unconstitutionally vague laws fail to provide ‘fair warning’ of what the law requires, and they encourage ‘arbitrary and discriminatory enforcement’ by giving government officials the sole ability to interpret the scope of the law.” *Keister v. Bell*, 29 F.4th 1239, 1258 (11th Cir. 2022) (quoting *Grayned*, 408 U.S. at 108–09).

81. “The First Amendment context amplifies these concerns because an unconstitutionally vague law can chill expressive conduct by causing citizens to ‘steer far wider of the unlawful zone’ to avoid the law’s unclear boundaries.” *Keister*, 29 F.4th at 1258–59 (quoting *Grayned*, 408 U.S. at 109); *see also Smith v. Goguen*, 415 U.S. 566, 573 (1974) (explaining that when “a statute’s literal scope, unaided by a narrowing state court interpretation, is capable of reaching expression sheltered by the First Amendment, the doctrine demands a greater degree of specificity than in other contexts”).

82. The words used to describe the proscribed conduct at issue—“collecting,” “physically possess[ing],” and “deliver[ing],” Fla. Stat. § 100.371—are nowhere defined in the Law.

83. By way of example, it is unclear whether the Law forbids LPRs from reviewing circulated petitions and signatures to ensure compliance with petition

circulation regulations; supervising other canvassers who are physically collecting petitions; encouraging an eligible citizen to sign a petition without physically touching it; or even being present in an office where initiative petitions and signatures are being processed. All of these questions, and a myriad of others, are not addressed by the statutory language.

84. The Law's vague and overbroad requirements will diminish the participatory message of Plaintiffs, other civic organizations, and civic-minded individuals and chill constitutionally protected core political speech.

COUNT IV: Equal Protection –
Differential Treatment of Non-Citizens
(Violation of Plaintiffs' Fourteenth Amendment Rights, Pursuant to 42 U.S.C. § 1983)

85. Plaintiffs incorporate Paragraphs TKTK of this Complaint into this section by reference.

86. Individual plaintiffs, Mr. Orjuela Prieto and Ms. Lopez Garcia, as well as many of Poder Latinx's staff, are LPRs who intend to engage in petition signature collection work in Florida. Canvassing work provides them with meaningful ways to civically engage with their communities and is a source of income to care for themselves and their families. But the Law prevents them from participating in petitioning work and earning income from that work solely because they are not U.S. citizens. As a result, Mr. Orjuela Prieto and Ms. Lopez Garcia and their respective families will suffer financially.

87. “As a general matter, a state law that discriminates on the basis of alienage can be sustained only if it can withstand strict judicial scrutiny.” *Bernal v. Fainter*, 467 U.S. 216, 219 (1984). The Supreme Court has applied strict scrutiny to invalidate laws excluding non-citizens from “employment in permanent positions in the competitive class of the state civil service,” “membership in the State Bar,” “the practice of civil engineering,” and appointment as a notary. *Id.* at 220, 226 (citations omitted).³

88. Strict scrutiny is especially warranted when assessing “state laws that affect[] *resident* aliens,” and are not limited solely to “*illegal* aliens.” *Estrada v. Becker*, 917 F.3d 1298, 1309 (11th Cir. 2019) (emphasis in original). “[T]he Supreme Court has noted that a ‘more searching judicial inquiry’ may be needed when a state law targets ‘discrete and insular minorities’ who have no direct voice in the political process,” *id.* at 1310 (quoting *United States v. Carolene Prods. Co.*, 304 U.S. 144, 152 n.4 (1938)), and “has in fact found that resident aliens are the type of ‘discrete and insular’ minorities who have no political voice and thus qualify for heightened

³ Because noncitizens who engage in initiative petition work are not “invested either with policymaking responsibility or broad discretion in the execution of public policy that requires the routine exercise of authority over individuals,” the “narrow political-function exception” to strict scrutiny does not apply here. *Bernal*, 467 U.S. at 221, 225–26.

scrutiny,” *id.*⁴

89. The Law’s exclusion of noncitizens—including individual plaintiffs, members of Poder Latinx’s petitioning workforce, and many people in the constituencies that Poder Latinx serves—from collecting initiative petitions cannot withstand strict scrutiny.

90. There is no compelling (or even rational) reason to exclude all noncitizens from handling and collecting initiative petitioning applications.

91. Nor is the Law narrowly tailored to serve Defendants’ aims. At minimum, the Law is “fatally underinclusive,” specifying “only one particular post with respect to which the State asserts a right to exclude aliens” while allowing noncitizens to perform other similar functions. *Bernal*, 467 U.S. at 222. For example, a “permanent resident alien may apply and be appointed” as a notary public, a position which likewise involves handling signatures and other personal information. Fla. Stat. § 117.01(1). And noncitizens can also work in Florida’s Division of Elections and Department of Highway Safety & Motor Vehicles, with access to the same information contained on initiative petitioning forms.

⁴ See, e.g., *Foley v. Connelie*, 435 U.S. 291, 294 (1978) (“[T]he Court has treated certain restrictions on aliens with ‘heightened judicial solicitude,’ a treatment deemed necessary since aliens—pending their eligibility for citizenship—have no direct voice in the political processes.”) (citation omitted); *LeClerc v. Webb*, 419 F.3d 405, 417 (5th Cir. 2005) (“Characterizing resident aliens as a *Carolene Products* minority reconciles the breadth of rights and responsibilities they enjoy with their lack of political capacity.”).

92. Moreover, the Law’s Noncitizen Ban mirrors a 2023 Florida law—S.B. 7050—that a United States District Court ruled violated the Equal Protection Clause on its face. *See Hisp. Fed’n v. Byrd*, 719 F. Supp. 3d 1236 (N.D. Fla. 2024). S.B. 7050 banned noncitizens from “collecting or handling voter registration applications,” Fla. Stat. § 97.0575(1)(f), but was enjoined as unconstitutional. The Noncitizen Ban also clearly violates the Equal Protection Clause

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their favor and:

- A. Declare that section 100.371(4)(b)(2) and 100.371(4)(c)(7) of the Florida Statutes, as amended by HB 1205, violates the First and Fourteenth Amendments;
- B. Preliminarily and permanently enjoin Defendants from enforcing section 100.371(4)(b)(2) and 100.371(4)(c)(7);
- C. Award Plaintiffs reasonable attorneys’ fees and their costs of suit; and
- D. Grant any other relief this Court deems just and proper.

Respectfully submitted this 3rd day of June, 2025,

/s/ Jeremy C. Karpatkin

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** Motion for leave to appear pro hac vice forthcoming*