

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

BLACK VOTERS MATTER FUND
and LEAGUE OF UNITED LATIN
AMERICAN CITIZENS,

Plaintiffs,

v.

Civil Action No. _____

CORD BYRD, in his official capacity
as Secretary of State of Florida; JOE
SCOTT, in his official capacity as
Supervisor of Elections for Broward
County; WENDY SARTORY LINK, in
her official capacity as Supervisor of
Elections for Palm Beach County;
ALINA GARCIA, in her official
capacity as Supervisor of Elections for
Miami-Dade County; KAREN
CASTOR DENTEL, in her official
capacity as Supervisor of Elections for
Orange County; and MARY JANE
ARRINGTON, in her official capacity
as Supervisor of Elections for Osceola
County,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Black Voters Matter Fund and the League of United Latin American
Citizens, by and through their undersigned counsel, file this Complaint against

Defendants Cord Byrd, in his official capacity as Secretary of State of Florida; Joe Scott, in his official capacity as Supervisor of Elections for Broward County; Wendy Sartory Link, in her official capacity as Supervisor of Elections for Palm Beach County; Alina Garcia, in her official capacity as Supervisor of Elections for Miami-Dade County; Karen Castor Dentel, in her official capacity as Supervisor of Elections for Orange County; and Mary Jane Arrington, in her official capacity as Supervisor of Elections for Osceola County, and allege as follows:

INTRODUCTION

1. For decades, Floridians have registered to vote by doing what federal and state law require: providing the information necessary to establish their eligibility and affirming, under penalty of perjury, that they are United States citizens. Florida House Bill 991 (“H.B. 991”) impermissibly changes that framework. For many eligible voters, a sworn attestation of citizenship is no longer sufficient.

2. H.B. 991 conditions voter registration on documentary proof of citizenship (“DPOC”) or the State’s ability to independently verify citizenship through government records. An eligible citizen whose citizenship cannot be confirmed through those records may be required to produce additional documentation before obtaining a verified registration. H.B. 991 also subjects registered voters whose citizenship is called into question through government

database matching to additional investigation and DPOC requirements and exposes them to potential removal from the voter rolls.

3. These requirements place the consequences of incomplete, outdated, or conflicting government records on eligible citizens. Naturalized citizens are particularly vulnerable because government records may reflect their prior noncitizen status while failing to reflect their subsequent naturalization. Consequently, H.B. 991 may subject eligible citizens to additional scrutiny, investigation, and DPOC demands, lead to provisional ballot procedures and/or disenfranchisement, and may ultimately result in their removal from the voter rolls, even where the State lacks affirmative, current evidence that they are not citizens.

4. Congress has already established rules governing voter registration and list maintenance for federal elections. Through the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501 *et seq.*, Congress sought to increase the number of eligible citizens registered to vote, enhance voter participation, protect the integrity of the electoral process, and ensure accurate and current voter registration rolls. To accomplish those objectives, Congress established specific requirements governing both voter registration and the maintenance of voter rolls.

5. H.B. 991 conflicts with the NVRA at every stage of the voter registration and list maintenance process. It imposes additional citizenship verification burdens on eligible applicants who have already completed the Federal

Form or State Form and sworn under penalty of perjury that they are United States citizens. When government databases do not independently confirm citizenship, H.B. 991 requires those applicants to provide additional documentary proof before Florida will treat their eligibility as verified.

6. Florida cannot circumvent the NVRA's protections by operating a single registration system for federal, state, and local elections. Florida has chosen to maintain one statewide voter registration system. When that system is used to register voters for federal elections, Florida must comply with the NVRA's requirements governing voter registration and maintenance of the voter rolls.

7. H.B. 991 is not compliant. The NVRA requires Florida to accept and use the Federal Form as adequate to establish federal voter registration and limits what Florida may require through its own mail registration form. Yet, H.B. 991 makes a completed application and sworn citizenship attestation insufficient whenever the State's selected databases cannot independently confirm the applicant's citizenship.

8. H.B. 991 likewise permits eligible applicants who timely submit valid registration applications to remain unverified and unable to cast a regular ballot. The consequence of incomplete, outdated, or inconclusive government records thus falls on the eligible citizen rather than the State.

9. H.B. 991 imposes similar burdens on Floridians who are already registered to vote. It establishes an ongoing citizenship-based list maintenance program through which registered voters may be identified as potentially ineligible based on government records, subjected to additional investigation and documentary demands, and ultimately removed from the voter rolls.

10. The NVRA sharply limits how States may maintain their voter rolls. It restricts the grounds on which registered voters may be removed, requires list maintenance programs to operate uniformly and without discrimination, and prohibits systematic removal programs during the 90 days preceding a federal election. H.B. 991 authorizes a citizenship-based removal process that conflicts with each of those protections.

11. H.B. 991 also threatens registered voters with the loss of their franchise through procedures that lack adequate safeguards against erroneous deprivation. A voter may be placed into an eligibility proceeding based on information establishing only potential ineligibility. The same supervisor of elections who administers that process issues the notice, receives the voter's response, conducts any requested hearing, and makes the final eligibility determination. While the issue remains unresolved, an eligible voter may lose the ability to cast a regular ballot and faces the risk that a provisional ballot will not be counted.

12. The consequences are substantial. An eligible Florida citizen may timely register, provide every piece of information required by federal law, swear under penalty of perjury that they are qualified to vote, and still face additional documentary demands, delayed registration, an eligibility proceeding, removal from the voter rolls, or the loss of a ballot because government records fail to confirm what is true: the voter is a United States citizen.

13. Federal law does not permit Florida to subject eligible voters to those risks. The NVRA does not allow the State to transform its inability to verify citizenship into additional conditions on federal voter registration or new grounds for removing registered voters. And the Fourteenth Amendment does not permit Florida to deprive an eligible registered voter of the franchise through procedures that create an unjustifiably high risk of erroneous disenfranchisement.

14. Plaintiffs Black Voters Matter Fund and League of United Latin American Citizens bring this action on behalf of themselves and their members, including eligible Florida voters who will be directly subject to H.B. 991's new registration and list maintenance requirements. They seek declaratory and injunctive relief preventing Defendant from enforcing the challenged provisions of H.B. 991 that violate the NVRA and the Fourteenth Amendment.

JURISDICTION AND VENUE

15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)–(4) because this action arises under the National Voter Registration Act, the Fourteenth Amendment, and 42 U.S.C. § 1983.

16. This Court has authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201–2202 and Rules 57 and 65 of the Federal Rules of Civil Procedure.

17. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 1391(b)(1)–(2). All Defendants are residents of the State of Florida, and multiple Defendants reside and perform their official duties within this District. Additionally, a substantial part of the events or omissions giving rise to the claims occurred in this District, Plaintiffs conduct extensive operations and voter outreach in this District, and Defendants enforce the challenged policies and practices in this District.

18. This case is properly assigned to the Miami Division under S.D. Fla. Local Rule 3.1.

PARTIES

A. Plaintiffs

19. Plaintiff Black Voters Matter Fund (“BVM”) is a 501(c)(4) nonprofit organization dedicated to empowering marginalized, predominantly Black communities. BVM operates extensive voter registration, education, and

mobilization programs across Florida, including within Miami-Dade, Broward, and Palm Beach Counties.

20. As part of its ordinary activities, BVM conducts door-to-door voter registration drives, community workshops, voter education, and other programs designed to increase registration and political participation among the communities it serves. BVM regularly assists eligible Floridians with registering to vote and relies on the federal and state voter registration processes to conduct that work.

21. BVM brings claims on behalf of itself and its Florida members.

22. H.B. 991 directly impairs BVM's voter registration activities by imposing new DPOC requirements on individuals BVM seeks to register and assist when the State cannot independently verify citizenship. As a result, BVM must devote additional staff time and resources to explaining the new requirements, identifying acceptable documentation, assisting applicants who lack readily available documentation, and following up with applicants whose citizenship remains unverified.

23. H.B. 991's list maintenance provisions likewise impair BVM's core voter education and mobilization work by exposing voters in the communities BVM serves to additional challenges to their eligibility and potential removal from the voter rolls. As a result, BVM must expend resources educating voters about those procedures, identifying voters affected by them, and assisting eligible voters in

responding to demands for additional documentation or otherwise protecting their registrations.

24. These activities require BVM to divert staff time, financial resources, and organizational capacity that it otherwise would devote to its planned voter registration, education, and mobilization activities. H.B. 991 therefore frustrates BVM's ability to carry out its existing programs and forces BVM to expend resources it would not otherwise expend.

25. BVM has members throughout Florida who are registered voters and eligible citizens who intend to register or update their voter registrations in future elections.

26. At least one BVM member is an eligible United States citizen and Florida resident who does not possess the relevant documentation to satisfy H.B. 991's DPOC requirement. Absent the required documentation, these members face disenfranchisement.

27. H.B. 991 directly frustrates BVM's voter registration activities by imposing DPOC requirements on the individuals BVM seeks to register and assist. By rendering standard voter registration forms insufficient when citizenship cannot be independently verified, H.B. 991 interferes with BVM's core voter registration work. To combat the disenfranchising effects of H.B. 991, BVM has been forced to divert substantial staff time, financial resources, and organizational capacity away

from its planned mobilization drives toward helping applicants acquire vital records and defending registered voters against erroneous removal.

28. Plaintiff League of United Latin American Citizens (“LULAC”) is the nation’s oldest and largest Hispanic civil rights organization, operating through 14 local councils across Florida (including three in Miami-Dade County and three in Osceola County), and maintaining approximately 20,148 members. LULAC works to advance the economic condition, educational attainment, political influence, housing, health, and civil rights of Hispanic Americans through community-based programs, including programs promoting civic engagement and political participation. Plaintiff LULAC brings claims on behalf of itself and its Florida members.

29. LULAC and its Florida councils engage in voter education, voter registration, and civic-engagement activities directed toward eligible Latino voters. A significant proportion of LULAC’s Florida membership consists of naturalized U.S. citizens. The DPOC and list maintenance provisions of H.B. 991 disproportionately impact naturalized Latino citizens, forcing LULAC to divert critical resources away from its community programming toward providing legal education, document retrieval assistance, and defense against wrongful voter purges, to prevent mass disenfranchisement.

30. H.B. 991 directly impairs LULAC's voter registration and civic engagement activities by creating additional barriers for eligible citizens whose citizenship the State does not independently verify. As a result, LULAC must devote additional staff and volunteer time to educating prospective voters about the documentary proof of citizenship requirement, helping eligible citizens determine which documents satisfy the requirement, assisting individuals in obtaining necessary documentation, and following up with individuals whose citizenship remains unverified.

31. H.B. 991's list maintenance provisions further impair LULAC's activities by requiring LULAC to devote resources to educating its members and the communities it serves about potential eligibility reviews, assisting eligible voters in responding to requests for documentary proof, and addressing erroneous challenges to or removals of eligible voters.

32. These activities require LULAC to redirect staff time, volunteer capacity, and financial resources away from its existing civic-engagement and community programs. Absent H.B. 991, LULAC would devote those resources to its ordinary voter registration, voter-education, and civic-participation activities.

33. Approximately 82% of LULAC's members are registered to vote and thus are subject to H.B. 991's DPOC and list maintenance provisions.

B. Defendants

34. Defendant Cord Byrd is the Secretary of State of Florida and is sued in his official capacity. Defendant Byrd is the chief election officer of Florida. *See* Fla. Stat. § 97.012. Defendant Byrd is responsible for general supervision of state election laws, the administration and implementation of state election laws, including H.B. 991, and for ensuring the State’s compliance with the NVRA. To that end, he may adopt “uniform standards for the proper and equitable interpretation and implementation” of the election laws, including the Challenged DPOC Provisions. *Id.*

35. Defendant Byrd maintains Florida’s online voter registration system and Florida’s statewide voter registration list. *Id.* § 97.0525. Defendant Byrd is charged with ensuring the accuracy of the statewide list. Defendant Byrd’s office has signed memoranda of understanding with state and federal agencies to facilitate the sharing of information necessary to conduct H.B. 991’s citizenship verification protocol, including information from the statewide voter registration database and driver license records.

36. H.B. 991 tasks the Department of State with making an initial determination as to whether available information regarding a voter’s U.S. citizenship is credible and reliable, as well as notifying Supervisors of Elections of

its determination and providing the supervisors with a copy of the supporting documentation.

37. Defendants Joe Scott, Wendy Sartory Link, Alina Garcia, Karen Castor Dentel, and Mary Jane Arrington (collectively, the “Supervisor Defendants”) are the Supervisors of Elections for their respective counties and are sued in their official capacities. In those capacities, the Supervisor Defendants are responsible for administering federal and state elections and maintaining voter registration records within their respective counties.

38. Under H.B. 991, the Supervisor Defendants are responsible for attempting to verify the citizenship of applicants whose citizenship has not been confirmed through the State’s verification process, providing notice and conducting eligibility proceedings for registered voters identified as potentially ineligible based on citizenship, evaluating DPOC, making final eligibility determinations, and removing voters from the rolls when the statutory requirements for removal are satisfied.

39. Defendant Joe Scott is the Supervisor of Elections for Broward County, Florida.

40. Defendant Wendy Sartory Link is the Supervisor of Elections for Palm Beach County, Florida.

41. Defendant Alina Garcia is the Supervisor of Elections for Miami-Dade County, Florida.

42. Defendant Karen Castor Dentel is the Supervisor of Elections for Orange County, Florida.

43. Defendant Mary Jane Arrington is the Supervisor of Elections for Osceola County, Florida.

FACTUAL ALLEGATIONS

44. United States citizenship has long been a prerequisite to voting in Florida. The Florida Constitution provides that “[o]nly a citizen of the United States” who otherwise satisfies Florida’s qualifications may be an elector. Fla. Const. Art. VI, § 2.

45. Florida’s voter registration process likewise requires every applicant to attest to their citizenship. Consistent with the requirements of the NVRA and the National Mail Voter Registration Form (“Federal Form”), the uniform Florida statewide voter registration application (“State Form”) asks each applicant whether the applicant is a United States citizen and requires the applicant to swear or affirm under penalty of perjury that the information provided is true and that the applicant is qualified to register under Florida law. Fla. Stat. § 97.052(2)(q), (s).

46. False representations as to an applicant’s qualifications for voter registration, including citizenship, carry criminal consequences. Specifically,

Florida law prohibits false swearing or affirmations in connection with voter registration, knowingly submitting false voter registration information, and voting by a person who knows that he or she is not a qualified elector. *Id.* §§ 97.052(3)(c), 104.011, 104.15.

47. H.B. 991 does not establish citizenship as a new qualification for voting in Florida. Rather, it purports to change how the state verifies that qualification and what eligible citizens may be required to produce to register, remain registered, and cast a regular ballot.

A. H.B. 991 Adds Documentary Citizenship Verification to Florida’s Registration and List Maintenance Systems.

48. The Florida Legislature enacted H.B. 991 in 2026, and the Governor signed it into law on April 1, 2026. The challenged citizenship verification provisions take effect January 1, 2027. H.B. 991 § 34.

49. Plaintiffs challenge the voter registration and list maintenance provisions of H.B. 991 relating to documentary proof of citizenship (collectively, the “Challenged DPOC Provisions”), including: (1) the **DPOC Registration Provisions**, H.B. 991 §§ 3–5, codified in relevant part at Fla. Stat. §§ 97.0525, 97.053, and 97.057; (2) the **List Maintenance Provisions**, H.B. 991 §§ 8–9, codified in relevant part at Fla. Stat. §§ 98.075 and 98.093; and (3) the **DPOC Type Provision**, H.B. 991 § 1, codified at Fla. Stat. § 97.021(10).

1. DPOC Registration Provisions

50. H.B. 991 requires voter registration applications, including applications updating certain existing registration information, to be compared against records maintained by the Florida Department of Highway Safety and Motor Vehicles (“DHSMV”). *See* H.B. 991 §§ 3–4, codified at Fla. Stat. §§ 97.0525, 97.053.

51. If DHSMV records indicate that an applicant is not a United States citizen or fail to establish that the applicant previously provided acceptable evidence of citizenship, the Supervisor of Elections must attempt to verify the applicant’s citizenship status using other available state and federal governmental sources. Fla. Stat. § 97.053(6)(b).

52. If citizenship cannot be verified through those sources, the applicant must provide DPOC. If citizenship remains unverified when the applicant attempts to vote, the applicant must be permitted to cast a provisional ballot, but that ballot will not be counted unless citizenship is timely verified or the applicant timely provides acceptable DPOC. *Id.* § 97.053(6)(a)–(b).

53. H.B. 991 applies these requirements irrespective of the voter registration form an applicant uses. It contains no exception for an eligible applicant who properly completes the Federal Form or State Form and attests under penalty of perjury that the applicant is a United States citizen.

54. H.B. 991 also requires the Supervisor, where applicable, to initiate the notice procedures outlined in Fla. Stat. § 98.075(7) when an applicant's citizenship cannot be verified through government sources. *Id.* § 97.053(6)(b).

2. List Maintenance Provisions

55. H.B. 991 separately establishes, through its List Maintenance Provisions, a process for reviewing the citizenship of Floridians who are already registered to vote.

56. The Department of State must identify registered voters who are “potentially ineligible” based on citizenship “by comparing or receiving information from other governmental entities.” H.B. 991 § 8, codified at Fla. Stat. § 98.075(6)(a).

57. The Department must determine whether the information is “credible and reliable” and, if so, transmit the information and supporting documentation to the appropriate Supervisor of Elections. *Id.*

58. Once a registered voter is referred to a Supervisor as potentially ineligible, the Supervisor must initiate the notice procedures as prescribed by Florida law. Fla. Stat. § 98.075(7).

59. Within seven days, the Supervisor must mail notice explaining the basis for the voter's potential ineligibility and warning that failure to respond within thirty days may result in a determination of ineligibility and removal from the statewide voter registration system. Fla. Stat. § 98.075(7)(a)(1).

60. If the voter does not respond, the Supervisor must proceed to a final eligibility determination. If the Supervisor determines that the voter is ineligible, the voter must be removed from the statewide voter registration system. *Id.* § 98.075(7)(a)(3).

61. While the voter's eligibility remains unresolved, a ballot cast in person or by mail is treated as provisional and may not be counted until a final determination of eligibility is made. Fla. Stat. § 98.075(7)(a)1.h., 2.g.

62. The List Maintenance Provisions specifically allow this process to continue during the 90 days preceding a federal election. Although Florida law generally requires list maintenance activities to be completed at least 90 days before a federal election, H.B. 991 provides that this limitation does not preclude removal "at any time" following an ineligibility determination under § 98.075(7). Fla. Stat. § 98.065(5).

63. H.B. 991 does not itself prescribe a uniform set of government sources that every election official must consult to verify citizenship, specify how incomplete or conflicting citizenship information must be resolved, or define what quantum of information is sufficient to establish current non-citizenship. The Department of State may adopt uniform standards, but none are presently operative under the new provisions.

64. The statutory referral identifies a voter only as “potentially ineligible.” Fla. Stat. § 98.075(6)(a). Yet Section 98.075(7) does not expressly assign the burden of persuasion at the ensuing eligibility hearing. It requires a final eligibility determination under a preponderance standard while directing the voter to respond to the State’s information and, if contesting it, to request a hearing and present evidence.

65. The Supervisor who receives the referral administers the notice process, receives the voter’s response, conducts any requested hearing, and makes the final eligibility determination. Section 98.075(7) expressly exempts these proceedings from Florida’s Administrative Procedure Act, Chapter 120, which ordinarily provides a more developed framework for adjudicating disputed issues of material fact.

66. A voter may appeal an adverse eligibility determination to circuit court, and the appeal operates as a supersedeas and is tried de novo. Fla. Stat. § 98.0755. The statute, however, does not expressly address how a pending eligibility dispute or appeal interacts with the short period in which provisional ballots must be canvassed and election results certified.

3. DPOC Type Provision

67. Section 1 of H.B. 991, codified at Fla. Stat. § 97.021(10) limits a “document acceptable as evidence of United States citizenship” to the following:

(a) An original or certified copy of a United States birth certificate; (b) A valid, unexpired United States passport; (c) A naturalization certificate issued by the United States Department of Homeland Security; (d) A Consular Report of Birth Abroad provided by the United States Department of State; (e) A current and valid Florida driver license or Florida identification card issued by the Department of Highway Safety and Motor Vehicles, if such license or identification card indicates United States citizenship; (f) A current and valid photo identification issued by the Federal Government or the state which indicates United States citizenship; or (g) An order from a federal court granting United States citizenship.

H.B. 991, codified at Fla. Stat. § 97.021(10).

68. Notably, this list excludes a certificate of citizenship, a document issued by the Department of Homeland Security establishing the legal status of individuals whose U.S. citizenship is derived through their parents.

69. If a voter's current legal name differs from the name appearing on the document offered as evidence of citizenship, H.B. 991 additionally requires documentation substantiating the legal name change. *Id.*

70. Thus, an eligible citizen who properly completes a voter registration application and attests to United States citizenship may nevertheless be required to obtain and produce additional documentation before Florida will treat that citizen's eligibility as verified.

B. Government Records Do Not Always Reflect Current Citizenship.

71. Government records may be incomplete, outdated, or otherwise unreliable in determining a person's citizenship at the time the applicant submits a voter registration application. That problem is particularly acute for naturalized

citizens, whose records may accurately reflect a prior noncitizen status while failing to reflect their subsequent naturalization.

72. DHSMV records present that risk because Florida issues driver licenses and identification cards to lawfully present noncitizens. A Floridian may obtain a license while a noncitizen and later naturalize. Unless the State updated the relevant record, it would not reflect the individual's current citizenship.

73. Florida has previously recognized limitations in relying on state records to determine current citizenship. *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1339–40 (11th Cir. 2014).

74. In November 2025, Florida entered into a new agreement with the U.S. Department of Homeland Security expanding the State's access to the Systematic Alien Verification for Entitlements (“SAVE”) program, which Florida uses to verify citizenship and immigration-status information. Florida Dep't of State, *Secretary of State Cord Byrd Announces Landmark Agreement with DHS to Better Secure Elections* (Dec. 3, 2025).

75. Expanded access to SAVE, however, does not eliminate the limitations inherent in database verification. SAVE verifies information using government records available to the system, and USCIS itself recognizes that SAVE may be unable to confirm citizenship where the relevant citizenship information is not

reflected in the databases it accesses. *See* U.S. Citizenship & Immigr. Servs., *Voter Verification Agency Sample MOA* (rev. June 9, 2025).

76. Thus, neither Florida's expanded access to SAVE nor the absence of affirmative citizenship confirmation in SAVE or another government database establishes that an applicant or registered voter is not a United States citizen or provides evidence sufficient to call into question an applicant's attestation on a voter registration form that they are a United States citizen.

77. H.B. 991 nevertheless places the consequences of that information gap on the affected citizen. An eligible applicant or registered voter whose citizenship is not confirmed through the government records consulted by election officials may be required to produce additional DPOC, may be prevented from casting a regular ballot while the issue remains unresolved, and, if already registered, may be subjected to removal proceedings—including in the 90-day period preceding a federal election.

C. The Challenged DPOC Provisions Threaten Eligible Voters and Plaintiffs.

78. Rather than advance the NVRA's purposes of expanding registration and participation among eligible citizens, H.B. 991 imposes unnecessary, additional DPOC requirements that burden Florida voters and disproportionately impede Black and Latino voters' access to registration.

79. Approximately 29.2 percent of Florida's population is Hispanic or Latino, 16.3 percent is Black, and 21.9 percent is foreign born. Nearly one-third of Floridians age five and older (30.6 percent) speak a language other than English at home. U.S. Census Bureau, QuickFacts: Florida.

80. Yet, under the DPOC Type Provision, H.B. 991 makes possession of certain documents consequential to an eligible citizen's ability to register, remain registered, and vote when the State's records do not independently verify that citizen's status.

81. Millions of United States citizens do not readily have access to the documents required under the DPOC Type Provision.

82. A 2024 national survey found that approximately 9.1 percent of voting-age United States citizens (approximately 21.3 million people) lack ready access to documentary proof of citizenship and that at least 3.8 million voting-age citizens reported that they do not possess such documents at all. Kevin Morris & Cora Henry, Brennan Center for Justice, *21.3 Million American Citizens of Voting Age Don't Have Ready Access to Citizenship Documents* (June 11, 2024).

83. That lack of access is not evenly distributed. The same survey found that approximately 11 percent of voting-age citizens of color lack ready access to documentary proof of citizenship, compared with approximately 8 percent of white voting-age citizens. *Id.*

84. During legislative consideration of H.B. 991, legislators heard testimony concerning the burdens DPOC requirements would impose on eligible voters, particularly naturalized citizens. Witnesses raised concerns regarding the financial cost, time, and bureaucratic obstacles associated with obtaining citizenship documentation.

85. The burden of locating and replacing citizenship documents also carries a history that cannot be separated from race. For example, Representative Ashley V. Gantt described the experience of her aunt, a Florida resident born in the South during the 1950s who had never been issued a birth certificate. Rep. Gantt explained that the problem was not hypothetical for Black families whose births occurred during the Jim Crow era, when access to hospitals and formal systems of birth documentation was not equal.

86. For a voter whose citizenship remains unresolved at the time of voting, H.B. 991 requires provisional treatment and imposes compressed post-election deadlines for resolving the citizenship question. The resulting risk is not the use of a provisional ballot itself, but that an eligible voter's ballot may go uncounted before the State has carried the burden of establishing ineligibility t.

87. Those burdens are also consequential for voters with limited financial resources. During House debate on H.B. 991, Representative RaShon Young described the concrete burden on a senior living on a fixed income who must retrieve

records from another State, a working parent who cannot afford to miss a work shift to visit an agency office, and a married woman required to locate historical records documenting a legal name change.

88. Those concerns are particularly salient in a State where approximately 12 percent of the population lives below the federal poverty level. U.S. Census Bureau, QuickFacts: Florida.

89. A document fee that may appear modest in isolation can be accompanied by transportation costs, lost wages, childcare expenses, mailing expenses, and the time required to locate and obtain records from one or more government agencies.

90. An eligible citizen who does not already possess readily available DPOC may have to expend money and time obtaining a qualifying document while simultaneously complying with H.B. 991's registration or eligibility deadlines.

91. Even obtaining one of the most common forms of DPOC can impose meaningful costs. A first-time adult United States passport book currently costs \$165, including the application and acceptance fees, while a first-time passport card costs \$65. Routine passport processing currently takes approximately four to six weeks, exclusive of mailing time. U.S. Dep't of State, *Compare a Passport Card and Book*; U.S. Dep't of State, *Get Your Processing Time*.

92. A certified birth certificate may be less expensive, but obtaining one still requires navigating the vital-records system of the jurisdiction in which the voter was born.

93. For citizens who were never issued a contemporaneous birth certificate, the process is substantially more complicated, requiring a search of state records and documentary evidence establishing the facts of birth, and the number and age of supporting documents required varies with the applicant's age. Fla. Dep't of Health, *Amendments and Corrections: Delayed Birth Procedures*.

94. Federal procedures similarly recognize that some United States citizens have no birth certificate on file and require additional documentation to obtain a passport in those circumstances. U.S. Dep't of State, *Citizenship Evidence*.

95. For naturalized citizens, a naturalization certificate is also not an ordinary document that can necessarily be replaced immediately if lost, damaged, or inaccessible. As of August 2026, it can cost up to \$555 to replace a naturalization document. U.S. Citizenship & Immigration Services, Filing Fees, <https://www.uscis.gov/g-1055>.

96. Additionally, it currently takes an average of 6.9 months to process a replacement application. U.S. Citizenship & Immigration Services, Historic National Median Processing Time (in Months) for All USCIS Officer for Select Forms By Fiscal Year, <https://egov.uscis.gov/processing-times/historic-pt>.

97. The time required to replace a lost or unavailable naturalization certificate is fundamentally incompatible with the deadlines H.B. 991 imposes on voters. A naturalized citizen who timely registers by Florida’s book-closing deadline but whose citizenship cannot be verified through government records must produce acceptable DPOC no later than 5:00 p.m. on the second day after the election for a provisional ballot to be counted. H.B. 991 § 4, codified at Fla. Stat. § 97.053(6)(a).

98. Because Florida closes its voter registration books 29 days before an election, Fla. Stat. § 97.055(1)(a), a citizen registering on the deadline may have only approximately 31 days to obtain the necessary documentation.

99. An existing registered voter identified as potentially ineligible based on citizenship faces an equally compressed timeline: the voter generally has only 30 days after receiving notice to respond before the Supervisor must proceed toward a final eligibility determination. H.B. 991 § 8, codified at Fla. Stat. § 98.075(7)(a)(1), (3).

100. The magnitude of that risk is especially significant in Florida. In Fiscal Year 2024 alone, approximately 93,240 people residing in Florida became naturalized United States citizens—approximately 11 percent of all persons naturalized nationwide and the second-highest total of any State. U.S. Dep’t of Homeland Security, Office of Homeland Security Statistics, *U.S. Naturalizations: 2024*.

101. The burdens imposed by the Challenged DPOC Provisions are not abstract. They affect Plaintiffs' members and the voters and communities Plaintiffs serve.

102. LULAC and BVM's members include naturalized citizens whose citizenship may not be accurately or promptly reflected in the governmental records on which the State relies.

103. BVM and LULAC's members and the communities it serves include Black, Hispanic and/or Latinx, and lower-income voters for whom the cost, time, and administrative burden associated with locating or obtaining additional citizenship documents may make resolving a verification issue more difficult.

104. Members and voters served by Plaintiffs who rent, change residences, or otherwise do not promptly receive mail sent to the address contained in their voter record face an increased risk of failing to learn of or timely respond to such an inquiry.

105. Accordingly, the burdens H.B. 991 imposes on Plaintiffs' members and the voters they serve directly diminish the effectiveness of Plaintiffs' voter registration, voter education, and voter mobilization activities by creating additional obstacles that persist after Plaintiffs have assisted an eligible citizen in registering to vote.

D. The National Voter Registration Act

106. Congress enacted the National Voter Registration Act of 1993 (“NVRA”) to increase voter registration and participation by eligible citizens while protecting the integrity and accuracy of voter registration rolls. 52 U.S.C. § 20501(b). To advance those purposes, the NVRA establishes federal requirements governing both voter registration and the maintenance of voter registration lists for federal elections.

107. Section 6 governs registration by mail. It requires each state to “accept and use” the Federal Form for registration in elections for federal office. 52 U.S.C. § 20505(a)(1). The Federal Form requires an applicant to attest, under penalty of perjury, that the applicant satisfies the eligibility requirements for registration, including United States citizenship. *See id.* § 20508(b).

108. Section 6 also permits a state to develop and use its own mail voter registration form for federal elections only if that form “meets all of the criteria stated in section 20508(b).” 52 U.S.C. § 20505(a)(2). Section 9(b), in turn, limits the information the form may require and requires the federally prescribed eligibility attestation and signature under penalty of perjury. *Id.* § 20508(b).

109. Section 8 governs the administration of voter registration and maintenance of voter rolls. Among other things, Section 8(a)(1) requires states to

ensure that an eligible applicant who timely submits a valid voter registration application is registered to vote in federal elections. *Id.* § 20507(a)(1).

110. Section 8 also regulates the removal of voters who are already registered. Section 8(a)(3)–(4) identifies the grounds on which a registrant may be removed from the official list, and Section 8(b)(1) requires voter list maintenance programs to be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.” *Id.* § 20507(a)(3)–(4), (b)(1).

111. Congress imposed additional safeguards as elections approach. Section 8 requires a state to complete any program whose purpose is to systematically remove the names of ineligible voters from the official voter rolls by no later than 90 days before a primary or general election for federal office. *Id.* § 20507(c)(2)(A).

112. Together, these provisions reflect Congress’s decision to establish federal protections at both ends of the voter registration process.

113. H.B. 991 implicates each of these protections. The DPOC Registration Provisions impose additional citizenship verification requirements on applicants using the Federal Form and State Form, while the List Maintenance Provisions establish an ongoing process for identifying, investigating, and potentially removing registered voters based on citizenship information, including voters whom the State has not affirmatively established to be ineligible.

114. By conditioning registration on an eligible citizen's ability to overcome the State's inability to verify information through its own records, H.B. 991 transforms the NVRA's system for facilitating voter registration into an additional obstacle to it.

E. Plaintiffs' NVRA Notice

115. On May 16, 2026, Plaintiffs sent Defendant Byrd and Florida's 67 Supervisors of Elections written notice identifying NVRA violations arising from H.B. 991, including violations concerning citizenship-based removals, uniform and nondiscriminatory list maintenance, and the statute's systematic database-driven removal program. *See* Notice Letter, Ex. 1; 52 U.S.C. § 20510(b)(1).

116. Defendant did not cure the violations identified in Plaintiffs' notice within the statutory cure period. More than 90 days have elapsed since Plaintiffs served that notice.

117. Absent relief, Plaintiffs and their members will be subject to the Challenged DPOC Provisions when those provisions take effect on January 1, 2027.

CLAIMS FOR RELIEF

COUNT I

Violation of NVRA Section 6 — Federal and State Mail Registration Forms 52 U.S.C. § 20505(a)(1)–(2) (*All Plaintiffs against all Defendants*)

118. Plaintiffs incorporate and reallege Paragraphs 1-13, 18-52, 71-81, 105-117 of this Complaint as if fully set forth herein.

119. Section 6 of the NVRA requires Florida to “accept and use” the Federal Mail Voter Registration Form (“Federal Form”) for registration of voters in elections for federal office. 52 U.S.C. § 20505(a)(1). It also permits Florida to develop and use its own mail voter registration form for federal elections only if the State Form satisfies all criteria stated in Section 9(b), 52 U.S.C. § 20508(b). *Id.* § 20505(a)(2).

120. The Supreme Court has held that the NVRA’s “accept and use” requirement means that a State must accept the Federal Form as a “complete and sufficient registration application” and may not require an applicant to submit additional information beyond that required by the Federal Form as a condition of registration for federal elections. *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 9, 15 (2013).

121. H.B. 991 contains no exception for applicants who register using the Federal Form or State Form. Instead, an eligible applicant who completes the Federal Form or State Form and attests under penalty of perjury that she is a United States citizen may be subjected to additional citizenship verification and required to produce DPOC if the State’s selected government records do not independently verify her citizenship.

122. By conditioning registration of Federal Form applicants on independent citizenship verification or DPOC beyond the requirements of the Federal Form,

Defendant Byrd and the Supervisor Defendants fail to “accept and use” the Federal Form as required by Section 6(a)(1).

123. By imposing citizenship documentation requirements through Florida’s State Form and registration process beyond those permitted by Sections 6(a)(2) and 9(b), Defendant Byrd and the Supervisor Defendants also violate 52 U.S.C. §§ 20505(a)(2) and 20508(b).

COUNT II
Violation of the NVRA’s Timely Registration Requirement
52 U.S.C. § 20507(a)(1)
(All Plaintiffs against all Defendants)

124. Plaintiffs incorporate and reallege Paragraphs 1-13, 18-52, and 71-117 of this Complaint as if fully set forth herein.

125. Section 8(a)(1) of the NVRA requires Florida to ensure that eligible applicants who timely submit valid voter registration applications through the registration methods protected by the NVRA are registered to vote in federal elections. 52 U.S.C. § 20507(a)(1). The Eleventh Circuit has recognized that the NVRA overrides inconsistent state registration requirements and requires timely, valid registration applications submitted through protected registration methods to be processed. *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1354 (11th Cir. 2005).

126. Where an eligible applicant timely submits a complete and valid application, including a sworn citizenship attestation, and the State possesses no

affirmative, current evidence contradicting that attestation, H.B. 991 nevertheless permits the applicant to remain unverified or unable to have a regular ballot counted because the State's databases do not independently confirm citizenship.

127. When citizenship cannot be independently verified, H.B. 991 places the burden on the applicant to resolve the State's inability to verify citizenship, including through additional DPOC. An applicant whose citizenship remains unresolved may be required to cast a provisional ballot that will not be counted unless citizenship is timely verified or acceptable DPOC is provided. Fla. Stat. § 97.053(6)(a)–(b).

128. By denying, delaying, or conditioning the registration of eligible applicants who timely submit valid voter registration applications, despite the absence of affirmative current evidence of non-citizenship, on independent database confirmation or additional DPOC, Defendant Byrd and the Supervisor Defendants fail to ensure that those applicants are registered as required by Section 8(a)(1) of the NVRA. 52 U.S.C. § 20507(a)(1).

COUNT III

Violation of the NVRA's Limits on Removal of Registered Voters

52 U.S.C. § 20507(a)(3)–(4)

(All Plaintiffs against all Defendants)

129. Plaintiffs incorporate and reallege 1-13, 18-47, and 55-117 of the Complaint as if fully set forth herein.

130. Section 8(a)(3) provides that a registrant may not be removed from the official list of eligible voters except at the registrant's request, by reason of criminal

conviction or mental incapacity as provided by state law, or as provided by Section 8(a)(4). Section 8(a)(4) separately addresses death and change of residence. 52 U.S.C. § 20507(a)(3)–(4).

131. Even if Section 8(a)(3) permits removal of a person affirmatively proven never to have been eligible to register, H.B. 991 may not treat an inconclusive database result, missing documentary proof, or failure to respond to a verification notice as equivalent to individualized proof, through a fair and neutral adjudicative procedure, that the registrant was ineligible when registered.

132. By implementing and enforcing H.B. 991’s removal scheme, including Defendant Byrd’s identification and referral of registered voters for potential removal and the Supervisor Defendants’ eligibility determinations and removal of registered voters on grounds and through presumptions not authorized by Section 8(a)(3)–(4), Defendant Byrd and the Supervisor Defendants violate Section 8(a)(3)–(4) of the NVRA. 52 U.S.C. § 20507(a)(3)–(4).

COUNT IV
Violation of the NVRA’s Uniform and Nondiscriminatory List Maintenance Requirement
52 U.S.C. § 20507(b)(1)
(All Plaintiffs against all Defendants)

133. Plaintiffs incorporate and reallege Paragraphs 1-13, 18-47, and 55-117 of this Complaint as if fully set forth herein.

134. Section 8(b)(1) of the NVRA requires that any State program or activity undertaken to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration rolls be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.” 52 U.S.C. § 20507(b)(1).

135. As alleged above, the government records used for citizenship verification do not affect all eligible voters equally. Naturalized citizens are particularly susceptible to being identified as potential noncitizens based on records reflecting their lawful pre-naturalization status but not their subsequent naturalization.

136. A Florida federal court has recognized that a citizenship-screening methodology that disproportionately requires newly naturalized citizens to respond and provide documentation may violate the NVRA’s nondiscrimination requirement. *United States v. Florida*, 870 F. Supp. 2d 1346, 1350–51 (N.D. Fla. 2012).

137. H.B. 991 does not prescribe uniform standards governing which government sources must be searched or relied upon to verify citizenship, how incomplete or conflicting information must be resolved, or what information is sufficient to establish current non-citizenship. Although the Department of State may adopt implementing standards, no such standards are presently operative.

138. Absent sufficiently clear statewide standards governing data sources, match criteria, conflicting records, evidentiary sufficiency, and Supervisor decision making, H.B. 991 creates a substantial risk that similarly situated eligible voters will be subjected to materially different scrutiny and eligibility determinations. The challenged scheme therefore threatens nonuniform administration before implementation begins.

139. By implementing or enforcing a list maintenance program that is nonuniform or discriminatory, including a program that predictably subjects naturalized citizens to additional scrutiny based on historical noncitizen records, Defendant Byrd and the Supervisor Defendants violate Section 8(b)(1) of the NVRA. 52 U.S.C. § 20507(b)(1).

COUNT V
Violation of the NVRA's 90-Day Quiet-Period Requirement
52 U.S.C. § 20507(c)(2)(A)
(All Plaintiffs against all Defendants)

140. Plaintiffs incorporate and reallege Paragraphs 1-13, 18-47, and 55-117 of this Complaint as if fully set forth herein.

141. Section 8(c)(2)(A) of the NVRA requires a State to “complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A).

142. The Eleventh Circuit has held that a Florida program using computerized comparisons of voter registration records against government databases to identify suspected noncitizens for investigation and potential removal is a “systematic” removal program subject to § 20507(c)(2)(A)’s 90-day prohibition. *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1344–48 (11th Cir. 2014).

143. H.B. 991 establishes a materially similar statewide process. As alleged above, the Department must use information received from governmental entities, including recurring DHSMV data and citizenship-related information from federal jury coordinators, to identify registered voters as potentially ineligible based on citizenship and refer those voters to Supervisors of Elections. H.B. 991 §§ 8–9, codified at Fla. Stat. §§ 98.075(6), 98.093(8)–(9).

144. A voter identified through that process is then subjected to prescribed eligibility proceedings that may culminate in removal from the statewide voter registration system. Fla. Stat. § 98.075(7).

145. H.B. 991 contains no provision requiring the Department of State or Supervisors of Elections to suspend this systematic citizenship verification and removal program during the 90 days preceding a primary or general election for federal office.

146. To the contrary, although Fla. Stat. § 98.065 generally requires list maintenance activities to be completed at least 90 days before a federal election,

Florida law provides that the 90-day limitation “does not preclude” the removal of a voter “at any time” following a determination of ineligibility under § 98.075(7). Fla. Stat. § 98.065(5).

147. The additional review conducted after a voter is identified through H.B. 991’s statewide data-matching process does not render the program individualized. *Arcia* recognizes that a systematic program may use database matching to identify voters for potential removal and thereafter provide individualized notice and an opportunity to respond. 772 F.3d at 1344–45.

148. Unless enjoined, Defendant Byrd and the Supervisor Defendants will implement and enforce H.B. 991’s systematic citizenship-based voter-removal program during the 90 days preceding federal primary and general elections.

149. By conducting a systematic program to identify and remove allegedly ineligible voters during the 90 days preceding federal primary and general elections, Defendant Byrd and the Supervisor Defendants violate Section 8(c)(2)(A) of the NVRA. 52 U.S.C. § 20507(c)(2)(A).

COUNT VI
Violation of the Fourteenth Amendment — Procedural Due Process
42 U.S.C. § 1983
(All Plaintiffs against all Defendants)

150. Plaintiffs incorporate and reallege Paragraphs 1-13, 18-47, and 55-109 of the Complaint as if fully set forth herein.

151. Registered voters possess a constitutionally protected interest in the franchise and may not be deprived of that interest without due process of law. U.S. Const. amend. XIV; *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

152. H.B. 991 places registered voters into eligibility proceedings based on information establishing only potential ineligibility and does not clearly assign to the State the burden of proving ineligibility before an existing registration is terminated. Requiring a registered voter to disprove the State's allegation of non-citizenship deprives the registered voter of a constitutionally protected interest in the franchise without the State having established by clear and convincing evidence that the registrant is ineligible to vote by reason of non-citizenship.

153. In addition, the same Supervisor who administers the statutory removal process issues notice, receives the voter's response, conducts any requested hearing, and makes the final eligibility determination. H.B. 991 expressly exempts these proceedings from the Administrative Procedure Act provisions in Chapter 120 of the Florida Statutes, notwithstanding the availability of more developed adjudicative safeguards under that Act.

154. H.B. 991 also fails to ensure that the affected registered voter receives fair pre-deprivation notice of potential removal for alleged non-citizenship.

155. H.B. 991 further allows a voter's registration status and ability to cast a regular ballot to be adversely affected before the State has established the registrant's ineligibility.

156. These deficient eligibility procedures also create an immediate risk that eligible registered voters will be required to cast provisional ballots or have their vote by mail ballots treated as provisional, before a final determination of ineligibility has been made, placing those voters' ballots at risk of not being counted despite their continued eligibility to vote.

157. By enforcing H.B. 991 through these procedures, Defendant Byrd and the Supervisor Defendants will deprive Plaintiffs' members of rights secured by the Fourteenth Amendment, actionable under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

- A. Declare that the DPOC Registration Provisions violate the National Voter Registration Act, including 52 U.S.C. §§ 20505(a)(1)–(2), 20507(a)(1), and 20508(b);
- B. Declare that the List Maintenance Provisions violate Section 8 of the National Voter Registration Act, including 52 U.S.C. § 20507(a)(3)–(4), (b)(1), and (c)(2)(A);

- C. Declare that the List Maintenance Provisions violate the Due Process Clause of the Fourteenth Amendment to the extent they permit deprivation of an existing registration without constitutionally adequate procedural safeguards;
- D. Permanently enjoin Defendant Byrd and the Supervisor Defendants, within their respective statutory responsibilities, from implementing or enforcing the Challenged Provisions to the extent they violate the NVRA or the Fourteenth Amendment, including by conditioning federal voter registration on requirements prohibited by federal law, removing registered voters on unauthorized grounds or without constitutionally adequate procedures, conducting nonuniform or discriminatory list maintenance, or conducting systematic voter removal activities during the 90 days preceding a federal primary or general election;
- E. Award Plaintiffs their reasonable attorney's fees, litigation expenses, and costs pursuant to 52 U.S.C. § 20510(c); and
- F. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 1st day of September 2026.

/s/ Jennifer Thelusma
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**Pro Hac Vice Application Forthcoming*