

1 Brian R. Chavez-Ochoa (CA Bar No. 190289)*
2 brianr@chavezocholaw.com
3 **Chavez-Ochoa Law Offices, Inc.**
4 4 Jean Street, Suite 4
5 Valley Springs, CA 95252
6 Telephone: (209) 772-3013

7 Philip A. Sechler (VA Bar No. 99761)**
8 psechler@ADFlegal.org
9 Mathew W. Hoffmann (VA Bar No. 100102)**
10 mhoffmann@ADFlegal.org
11 **Alliance Defending Freedom**
12 44180 Riverside Parkway
13 Lansdowne, VA 20176
14 Telephone: (571) 707-4655
15 Facsimile: (571) 707-4656

Mercer Martin (AZ Bar No. 038138)**
mmartin@ADFlegal.org
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260
Telephone: (480) 444-0020
Facsimile: (480) 444-0028

16 *Counsel for Plaintiffs*

17 * *Local Counsel*

18 ***Pro hac vice application filed simultaneously*

19 **UNITED STATES DISTRICT COURT**
20 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

21 **Rumble Inc., and Rumble Canada Inc.,**

22 *Plaintiffs,*

23 v.

24 **Rob Bonta**, in his official capacity as
25 Attorney General of the State of
26 California, and **Shirley N. Weber**, in her
27 official capacity as California Secretary of
28 State,

Defendants.

Civil No. _____

COMPLAINT

JURISDICTION

1
2 1. California’s new law, AB 2655, imposes liability on Plaintiffs Rumble
3 Canada Inc. and Rumble Inc. for curating and publishing speech. It therefore violates the
4 First and Fourteenth Amendments to the United States Constitution, as well as Article
5 VI’s Supremacy Clause because it is preempted by Section 230 of the Communications
6 Decency Act of 1996. This Court has subject-matter jurisdiction pursuant to the Civil
7 Rights Act, 42 U.S.C. § 1983, and 28 U.S.C. §§ 1331 and 1343.

INTRODUCTION

8
9 2. Rumble Canada Inc., an indirect subsidiary of Rumble Inc., operates
10 Rumble.com (collectively “Rumble”), a large video-sharing platform that curates and
11 publishes a variety of content, including political commentary. Rumble exists to foster a
12 free and open internet, and it does not remove content unless the content violates its
13 terms and conditions.

14 3. But now, California deputizes Rumble to restrict its users’ speech, even if
15 that speech does not violate Rumble’s terms and conditions. At the same time, California
16 requires Rumble to alter the content and viewpoint of its own speech and compel it to
17 communicate the State’s message.

18 4. California’s new law, AB 2655, mandates that Rumble remove and label
19 content California officials consider “reasonably likely to harm the reputation or electoral
20 prospects” of candidates or “reasonably likely to falsely undermine confidence” in an
21 election.

22 5. The law forces Rumble to undertake the impossible task of training its team
23 to recognize and then remove and label content based on inherently vague and subjective
24 terms on which even pollsters and government officials cannot agree, such as what
25 content may be “likely to harm” electoral prospects or may likely undermine confidence in
26 an election.

27 6. And when Rumble inevitably is not able to comply to the satisfaction of
28 everyone, AB 2655 authorizes individuals to file suits against it for equitable relief.

1 7. Neither the Constitution nor Section 230 of the Communications Decency
2 Act allows California to alter and compel Rumble's speech while also mandating that it
3 censor its users' speech. As such, this Court should enjoin AB 2655 and declare it
4 unlawful.

5 **VENUE**

6 8. Venue lies in this district and division pursuant to 28 U.S.C. § 1391 because
7 a substantial part of the events that give rise to this lawsuit occurred in this district and
8 division and the California government and its agencies are citizens of every district in
9 California.

10 **PARTIES**

11 ***Plaintiffs***

12 9. Plaintiff Rumble Canada Inc., headquartered in Toronto, Canada, is a
13 wholly owned indirect subsidiary of Plaintiff Rumble Inc., which is headquartered in
14 Longboat Key, Florida. Rumble Canada Inc. is the owner and operator of the Rumble
15 video-sharing platform.

16 10. Rumble is a video-sharing platform where users can upload, view, and
17 comment on videos. Rumble is accessible from California. For the past 12 months,
18 Rumble has had over one million monthly active users in California.

19 ***Defendants***

20 11. Defendant Robert Bonta is the Attorney General of the State of California
21 and is authorized to enforce California's laws, including AB 2655. Cal. Const. art. V, § 13;
22 Cal. Elec. Code § 20516.

23 12. Defendant Shirley N. Weber is the California Secretary of State. She has
24 authority to administer, enforce, and implement California's Elections Code, including
25 AB 2655. Cal. Gov't Code § 12172.5.

26 13. Under AB 2655, the Secretary of State is an "elections official." Cal. Elec.
27 Code § 20512(g)(2).
28

1 14. Defendants Bonta and Weber “may seek injunctive or other equitable relief”
2 for violations of AB 2655. Cal. Elec. Code §§ 20515(b), 20516.

3 15. All defendants are named in their official capacities.

4 **FACTUAL BACKGROUND**

5 **I. Rumble.com is a video-sharing platform that exercises editorial**
6 **discretion over political speech by its users.**

7 16. Rumble’s mission is to protect a free and open internet.

8 17. In 2013, Chris Pavlovski (now Rumble’s Chairman and CEO) founded
9 Rumble.

10 18. Rumble sought to empower small content creators and give them a platform
11 to express themselves.

12 19. Rumble allows video content creators to upload their videos to the Rumble
13 platform. Anyone with an internet connection can view videos on Rumble’s platform.
14 Rumble requires an account for a person to upload a video to its platform, to comment on
15 videos, or to participate in live chats. Any person can make a free Rumble account. When
16 this Complaint refers to Rumble “users,” it includes any person who engages on the
17 Rumble platform, such as people who view videos on Rumble, people who upload content
18 to Rumble, and Rumble accountholders.

19 20. Rumble currently hosts millions of hours of publicly available video on its
20 platform, rumble.com.

21 21. Although Rumble promotes and seeks to protect free speech, it also has a
22 robust content moderation policy that it enforces aggressively, removing from its platform
23 content that violates that policy and banning users who repeatedly post content that
24 violates its policy.

25 22. Rumble manages its video-sharing service through its terms and conditions.
26 A true, accurate, and complete copy of its current Terms and Conditions of Use is
27 attached as Exhibit 1.
28

1 23. To create an account, a user must agree to abide by these terms and
2 conditions.

3 24. Under the terms and conditions, Rumble retains “the absolute right (but not
4 the obligation) to prohibit, refuse, delete, move and edit Content and material for any
5 reason, in any manner, at any time, without notice” to the content creator. Ex. 1 at 7
6 (<https://rumble.com/s/terms>).

7 25. The terms and conditions prohibit the following, among other categories:

- 8 • “Content or material that is pornographic, obscene, or of an adult or
9 sexual nature”;
- 10 • “Content or material that is grossly offensive to the online community,
11 including but not limited to, racism, anti-semitism and hatred”;
- 12 • Content or material that “[p]romotes, supports, or incites violence or
13 unlawful acts”;
- 14 • “Content or material that exploits children under the age of 18 or posts or
15 discloses any personally identifying information about any person at any
16 age, including but not limited to personally identifying information about
17 children under the age of 18”; and
- 18 • “Any other Content or material that Rumble in its sole, unfettered, and
19 arbitrary discretion, determines is undesirable on the Rumble Service.”

20 Ex. 1 at 6.

21 26. Rumble does not restrict political speech unless it violates a provision of its
22 terms and conditions.

23 27. Numerous content creators generate a substantial volume of digitally
24 created or digitally altered content that pervades the internet. Such content exists on a
25 wide variety of platforms, including video-sharing platforms like YouTube and Rumble,
26 among others. Rumble does not possess the technology to automatically identify digitally
27 altered images or audio shared by users and would have to incur significant expense to
28 develop or acquire such technology. Even then, it is unlikely that Rumble would be able

1 to identify all content that might arguably violate AB 2655, particularly given the law’s
2 vagueness. Therefore, Rumble would be subject to litigation to defend itself against
3 meritless claims.

4 **II. California lawmakers recognized that AB 2655 restricts core political**
5 **speech and faces serious challenges.**

6 28. Committees in both chambers of the California legislature acknowledged
7 that AB 2655: (1) imposes serious burdens on speech and would be “vulnerable” to a
8 constitutional challenge; (2) would face legal challenge under Section 230 of the
9 Communications Decency Act; and (3) places onerous burdens on certain platforms.

10 29. As originally proposed, AB 2655 contained an exception for entities
11 protected by Section 230. But legislators soon deleted that language from the bill.

12 30. In April 2024, the Assembly Committee on Judiciary published a report
13 conceding that the law “would interfere with both the expression and reception of
14 information based upon its content.” Ex. 2 at 4. A true and accurate copy of excerpts of
15 this report is Exhibit 2.

16 31. The Committee recognized this was “potentially problematic” because the
17 bill “single[d] out particular content” that “relates to political candidates and elections,”
18 which normally receives full constitutional protection. *Id.* The Committee admitted that
19 “[i]t is difficult to imagine any content more related to ‘political expression’ and
20 ‘discussion of public issues’ than content about candidates and elections.” *Id.* The
21 Committee also acknowledged that “opponents of this bill”—including “the industry
22 groups and the ACLU”—“believe that with no sure means to determine what is
23 ‘materially deceptive,’ the platforms will err on the side of blocking content, thus
24 burdening more speech than is necessary.” *Id.*

25 32. The Committee recognized that opponents claimed the bill was not narrowly
26 tailored and that “it will be a court – not the findings and declarations of the bill – that
27 will determine whether the bill is narrowly tailored. The court may consider, for example,
28

1 if there are other less restrictive and more effective means of protecting election
2 integrity.” *Id.* at 5.

3 33. When surveying cases pending before the United States Supreme Court (as
4 of April 2024), the Committee stated that “there is no obvious or certain answer as to
5 whether this bill violates the First Amendment.” *Id.* And the Committee understood that
6 the proper “remedy for false speech is more true speech, and false speech tends to call
7 forth true speech.” *Id.* at 4.

8 34. The Committee concluded that “this bill may also be preempted by Section
9 230 of the federal Communications Decency Act.” *Id.* That’s because Section 230 grants
10 “platforms the right to moderate content on their platforms and immunizes them from
11 liability for content posted by the third party.” *Id.* at 6.

12 35. Finally, the Committee noted that industry groups criticized AB 2655 for
13 assuming that online platforms “definitively know whether any particular piece of
14 content has been manipulated in such a way that is defined under the bill” and have the
15 tools and expertise to make that judgment. *Id.* at 8.

16 36. It also observed the ACLU’s fears that given “the prospect of vetting millions
17 of different posts to determine if they are ‘materially deceptive and digitally modified or
18 created,’” large online platforms will “instead choose to aggressively censor or prohibit
19 speech out of caution.” *Id.* at 9.

20 37. In June 2024, the Senate Judiciary Committee published a report
21 concluding that “it is inherently difficult to predict whether this law will be struck down
22 for violating the protections of the First Amendment,” especially “in the more politically
23 charged federal judiciary of the day.” *Id.* at 10. But, the Committee believed, “it is safe to
24 say [AB 2655] will likely face legal challenge and arguably be vulnerable thereto.” Ex. 3
25 at 9. A true and accurate copy of excerpts of this report is Exhibit 3.

26 38. The Committee also acknowledged that AB 2655 would “likely” face a
27 preemption challenge under Section 230. *Id.* It conceded that AB 2655 “provides for the
28 potential liability of platforms for failing to block and prevent certain content from being

1 posted or shared by users” even though Section 230 “immunize[s] internet platforms from
2 virtually all suits arising from third-party content.” *Id.* at 3 (cleaned up).

3 39. Finally, the Committee noted “concerns that the bill presupposes a level of
4 sophistication for technology that can detect AI-generated or manipulated content that
5 simply does not exist.” *Id.* at 10.

6 40. In the final Assembly Floor Analysis in August 2024—shortly before the bill
7 became law—the California legislature still acknowledged the law may be
8 unconstitutional. That analysis recognized the law “burdens core political speech,” would
9 be subject to strict scrutiny under the First Amendment, and might not be “adequately
10 protect[ed] ... against a constitutional challenge.” Ex. 4 at 3. A true, accurate, and
11 complete copy of the Assembly Floor Analysis is Exhibit 4.

12 41. Yet the California legislature still passed AB 2655 with supermajorities in
13 both chambers.

14 42. Governor Gavin Newsom signed the bill on September 17, 2024, and AB
15 2655 goes into effect on January 1, 2025.

16 **III. AB 2655 applies to Rumble.**

17 43. AB 2655 applies to “large online platform[s].” Cal. Elec. Code § 20512(h).

18 44. A large online platform is defined as “a public-facing internet website, web
19 application, or digital application, including a social media platform[,] ... video sharing
20 platform, advertising network, or search engine that had at least 1,000,000 California
21 users during the preceding 12 months.” Cal. Elec. Code § 20512(h).

22 45. Rumble qualifies as a “large online platform” under AB 2655.

23 46. The law targets “materially deceptive content,” which “means audio or
24 visual media that is digitally created or modified, and that includes, but is not limited to,
25 deepfakes and the output of chatbots, such that it would falsely appear to a reasonable
26 person to be an authentic record of the content depicted in the media.” Cal. Elec. Code
27 § 20512(i)(1).

28

1 47. AB 2655 requires large online platforms to take three actions with respect to
2 “materially deceptive content.”

3 48. *First*, AB 2655 requires large online platforms to “provide an easily
4 accessible way for California residents to report” that content should be removed or
5 labeled as “manipulated” and “not authentic.” Cal. Elec. Code §§ 20515(a), 20514(c). This
6 is the “Reporting Requirement.”

7 49. Large online platforms must also respond to the person reporting the
8 content within 36 hours “describing any action taken or not taken ... with respect to the
9 content.” Cal. Elec. Code § 20515(a).

10 50. *Second*, AB 2655 demands that large online platforms “develop and
11 implement procedures for the use of state-of-the-art techniques to identify and remove
12 materially deceptive content if” four criteria are met. Cal. Elec. Code § 20513(a). This is
13 the “Removal Requirement.”

14 51. The criteria are: (1) the content has been reported under the Reporting
15 Requirement; (2) the content falls within one of three categories of “materially deceptive
16 content”; (3) the content is posted within the applicable timeframe; and (4) the large
17 online platform “knows or acts with reckless disregard of the fact that the content meets
18 the” prior three requirements. Cal. Elec. Code § 20513(a)(4).

19 52. The three categories of “materially deceptive content” prohibited by the
20 Removal Requirement are

- 21 a. “A candidate for elective office portrayed as doing or saying something
22 that the candidate did not do or say and that is reasonably likely to harm
23 the reputation or electoral prospects of a candidate”;
- 24 b. “An elections official portrayed as doing or saying something in
25 connection with the performance of their elections-related duties that the
26 elections official did not do or say and that is reasonably likely to falsely
27 undermine confidence in the outcome of one or more election contests”; or
28

1 c. “An elected official portrayed as doing or saying something that
2 influences the election that the elected official did not do or say and that
3 is reasonably likely to falsely undermine confidence in the outcome of one
4 or more election contests.” Cal. Elec. Code § 20513(a)(2).

5 53. Large online platforms must remove the content within 72 hours of receiving
6 a report. Cal. Elec. Code § 20513(b).

7 54. Large online platforms must also identify, “using state-of-the-art
8 techniques,” and remove “any identical or substantially similar materially deceptive
9 content” that they had previously removed upon discovery that the content has been
10 reposted. Cal. Elec. Code § 20513(c).

11 55. The Removal Requirement’s applicable timeframe runs from “120 days
12 before an election in California and through the day of the election.” Cal. Elec. Code
13 § 20513(e)(1). But if the content “pertains to elections officials” the timeframe extends
14 from 120 days before an election to 60 days after. Cal. Elec. Code § 20513(e)(2).

15 56. *Third*, AB 2655 requires large online platforms to “develop and implement
16 procedures for the use of state-of-the-art techniques to identify materially deceptive
17 content” and label it if three criteria are met. This is the “Labeling Requirement.”

18 57. The criteria are: (1) the content has been reported under the Reporting
19 Requirement; (2) the content is either (i) “materially deceptive content” under the
20 Removal Requirement but posted outside that Requirement’s timeframe, or (ii) the
21 content is “materially deceptive content” and appears in an “advertisement” or “election
22 communication” that is not subject to the Removal Requirement; and (3) the large online
23 platform “knows or acts with reckless disregard for the fact that the content meets the”
24 prior two requirements. Cal. Elec. Code § 20514(a).

25 58. AB 2655 defines “advertisement” as a “communication that a large online
26 platform knows is authorized or paid for with the purpose of supporting or opposing a
27 candidate for elective office.” Cal. Elec. Code § 20512(a).

28

1 59. An “election communication” is a “communication” that is not an
2 “advertisement” but “concerns” a “candidate for elective office,” voting in California, the
3 canvass of the vote in California, equipment related to a California election, or electoral
4 college proceedings in California. Cal. Elec. Code § 20512(e).

5 60. Because the Labeling Requirement applies to “materially deceptive content”
6 that appears in an “advertisement” or “election communication” that is not subject to the
7 Removal Requirement, it applies to content that is not reasonably likely to harm the
8 reputation of a candidate or falsely undermine the confidence in the outcome of an
9 election. Cal. Elec. Code § 20514(a)(2).

10 61. The Labeling Requirement forces large online platforms to label the content
11 within 72 hours of discovery or receipt of a report; that label must state: “This [image,
12 audio, or video] has been manipulated and is not authentic.” Cal. Elec. Code § 20514(b)–
13 (c).

14 62. The Labeling Requirement also forces large online platforms to “permit
15 users to click or tap on [the label] for additional explanation about the materially
16 deceptive content in an easy-to-understand format.” Cal. Elec. Code § 20514(d).

17 63. The Labeling Requirement applies “regardless of the language used in the
18 content” and mandates that large online platforms label the content both in English and
19 the language used. Cal. Elec. Code § 20517.

20 64. The Labeling Requirement’s timeframe runs from “six months before an
21 election in California and through the day of the election.” Cal. Elec. Code § 20514(e)(1).
22 If the “content depicts or pertains to elections officials, the electoral college process, a
23 voting machine, ballot, voting site, or other equipment related to an election, or the
24 canvass of the vote,” the timeframe extends from six months before an election to 60 days
25 after the election. Cal. Elec. Code § 20514(e)(2).

26 65. “A candidate for elective office, elected official, or elections official”—
27 including the Secretary of State—who has filed a report with a large online platform
28

1 “may seek injunctive or other equitable relief” to enforce the Reporting Requirement, the
2 Removal Requirement, or the Labeling Requirement. Cal. Elec. Code § 20515(b).

3 66. Likewise, the Attorney General, District Attorney, or City Attorney “may
4 seek injunctive or other equitable relief” to enforce the Reporting, Removal, or Labeling
5 Requirements. Cal. Elec. Code § 20516.

6 67. By authorizing the government to coerce large online platforms to remove
7 and label content through a reporting process, AB 2655 uses governmental authority and
8 the threat of punishment to coerce private parties like Rumble into punishing or
9 suppressing speech based on its content and viewpoint.

10 68. Though AB 2655 applies to large online platforms in these ways, the law
11 makes many exceptions.

12 69. For example, AB 2655 does not apply to online platforms with fewer than
13 1,000,000 California users during the preceding 12 months.

14 70. AB 2655 also does not apply to certain online newspapers, magazines, or
15 periodicals that publish “materially deceptive content” if the publisher includes a
16 disclosure. Cal. Elec. Code § 20519(a).

17 71. AB 2655 does not apply to a “broadcasting station that broadcasts any
18 materially deceptive content” if the station includes a disclosure. Cal. Elec. Code
19 § 20519(b)(1).

20 72. AB 2655 does not apply to a broadcasting station that is paid to broadcast
21 “materially deceptive content” in some situations. Cal. Elec. Code § 20519(b).

22 73. AB 2655 does not apply to “[m]aterially deceptive content that constitutes
23 satire or parody.” Cal. Elec. Code § 20519(c). But it does not define the terms “satire” or
24 “parody.”

25 74. The Removal Requirement does not apply to “candidate[s] for elective office”
26 who “portray[]” themselves “as doing or saying something that the candidate did not do
27 or say” if the content is labeled as “manipulated.” Cal. Elec. Code § 20513(d).

28

1 75. AB 2655 applies only to “materially deceptive content” concerning certain
2 candidates—i.e., to persons running for a voter-nominated office as defined in Cal. Elec.
3 Code § 359.5(a), persons running for President or Vice President of the United States,
4 and persons running for the office of Superintendent of Public Instruction. Cal. Elec. Code
5 § 20512(c).

6 76. “Materially deceptive content” about candidates who do not meet these
7 criteria is not prohibited.

8 77. AB 2655 defines “[e]lection in California” to mean “any election where a
9 candidate ... is on the ballot, and any election where a statewide initiative or statewide
10 referendum measure is on the ballot.” Cal. Elec. Code § 20512(f).

11 **IV. Section 230 of the Communications Decency Act already regulates**
12 **content moderation.**

13 78. Long before California passed AB 2655, in 1996, Congress enacted Section
14 230 of the Communications Decency Act. Both statutes regulate a large online platform’s
15 liability for content displayed on its site.

16 79. Section 230 regulates “provider[s]” of an “interactive computer service.” It
17 defines “interactive computer service” as “any information service, system, or access
18 software provider that provides or enables computer access by multiple users to a
19 computer server, including specifically a service or system that provides access to the
20 Internet and such systems operated or services offered by libraries or educational
21 institutions.” 47 U.S.C. § 230(f)(2).

22 80. Section 230 states that no “provider . . . of an interactive computer service
23 shall be treated as the publisher or speaker of any information provided by” a content
24 creator or commenter. 47 U.S.C. § 230(c)(1).

25 81. Rumble is an “interactive computer service” under Section 230, and
26 Plaintiffs Rumble, Inc. and Rumble Canada Inc. are “provider[s]” of an “interactive
27 computer service.”
28

1 82. The Ninth Circuit has stated that “[t]he act of publication involves
2 reviewing, editing, and deciding whether to publish or to withdraw from publication
3 third-party content.” *Est. of Bride ex rel. Bride v. Yolo Techs., Inc.*, 112 F.4th 1168, 1176
4 (9th Cir. 2024) (cleaned up). It accordingly held that “Section 230 prohibits holding
5 companies responsible for moderating or failing to moderate content.” *Id.* at 1182.

6 83. Thus, while AB 2655 imposes liability on a platform for failing to moderate
7 certain third-party content, the Ninth Circuit recognizes that Section 230 immunizes a
8 platform for its decision to allow or not allow third-party content.

9 84. Section 230 expressly preempts conflicting state laws. It states that “[n]o
10 cause of action may be brought and no liability may be imposed under any State or local
11 law that is inconsistent with this section.” 47 U.S.C. § 230(e)(3).

12 **V. AB 2655 imposes significant burdens on Rumble and its users, both**
13 **compelling and restricting speech and forcing Rumble to police its users’**
14 **speech.**

15 85. AB 2655 imposes significant restrictions on Rumble’s right to exercise its
16 editorial discretion over the content on its webpage and compels its speech while at the
17 same time forcing it to censor and compel its users’ speech.

18 86. Rumble exists to foster a free and open internet. Its content moderation
19 policies and editorial discretion reflect that intent, which is why Rumble does not remove
20 content unless it otherwise falls into a category of specifically prohibited content under
21 Rumble’s terms and conditions.

22 87. As applied here, AB 2655 threatens Rumble with lawsuits and injunctions
23 for displaying certain content on its platform it desires to display and refusing to label
24 certain content it desires not to label.

25 88. Rumble does not currently possess the tools to implement the censoring
26 requirements of AB 2655, and creating those tools will be a substantial burden and cost
27 to Rumble.
28

1 89. Rumble enforces its terms and conditions through a complaint mechanism
2 and through manual and technical review of content by independent contractors.

3 90. Any person may email moderation@rumble.com to report content that the
4 person believes violates Rumble's terms and conditions.

5 91. Rumble reviews every report that it receives and a person on Rumble's
6 content-moderation team will review the content to determine if it violates Rumble's
7 terms and conditions.

8 92. Rumble does not have any tools that allow it to identify or remove
9 "materially deceptive content" (whatever that means in practice) targeted by AB 2655
10 without it being reviewed by a person.

11 93. Rumble makes all content removal decisions after review by someone on
12 Rumble's content-moderation team.

13 94. Rumble lacks the tools to determine if media on its platform is "digitally
14 created or modified" or if content is "identical or substantially similar" to media targeted
15 by AB 2655.

16 95. Rumble uses people on its content-moderation team to enforce its content-
17 moderation policies, and it is often difficult if not impossible for a person to know if media
18 is digitally altered or is identical or substantially similar to other media.

19 96. Rumble has no way of "identify[ing]" content covered by AB 2655 without
20 manual review of potentially millions of minutes of video or the development or
21 acquisition of new technical tools, all of which would impose a cost-prohibitive burden on
22 Rumble, and even then it would be extremely difficult if not impossible for Rumble to
23 identify and then remove all content that third parties might consider to violate AB 2655
24 and demand that it be removed by Rumble, even if it did not violate Rumble's terms and
25 conditions.

26 97. AB 2655's Reporting Requirement will increase the number of complaints
27 Rumble receives. Rumble will have to hire more employees or contractors to review and
28 respond to the complaints.

1 98. AB 2655 will require Rumble to undertake the impossible task of training its
2 content-moderation team on how to detect content that fits the inherently vague and
3 subjective definition of “materially deceptive.” Rumble will have to instruct its content-
4 moderation team on how to make judgment calls about what content “would falsely
5 appear to a reasonable person to be an authentic record of the content depicted”; is
6 “reasonably likely to harm the reputation or electoral prospectives of a candidate”; is
7 “reasonably likely to falsely undermine confidence in the outcome” of elections; or
8 constitutes “satire or parody.” Because these terms are subjective and vague, Rumble
9 would need to be overly restrictive in its censorship to avoid meritless enforcement
10 actions and litigation, further harming Rumble and its users.

11 99. It would also be costly and burdensome for Rumble to build or purchase
12 technical tools to review content under AB 2655’s subjective and vague definitions.
13 Rumble would have to spend enormous amounts of time and resources developing “state-
14 of-the-art techniques” (a term undefined by AB 2655) to identify, remove, and label
15 digitally altered content targeted by AB 2655 as required by the statute.

16 100. And Rumble is unaware of any technical tools currently available that can
17 effectively detect the content targeted by AB 2655.

18 101. Whether expression falls into these vague and overbroad categories depends
19 on the subjective perceptions of others, including state enforcement officials.

20 102. AB 2655’s exemption for “satire or parody” is also vague and difficult to
21 apply because individuals often disagree over whether something is or is not satire.

22 ALLEGATIONS OF LAW

23 103. As a “large online platform,” Rumble hosts, curates, and publishes content
24 that is subject to AB 2655.

25 104. AB 2655 violates Rumble’s constitutional and statutory rights.

26 105. As a direct and proximate result of Defendants’ violations of Rumble’s
27 constitutional and statutory rights, Rumble has suffered and will suffer ongoing
28 irreparable harm, entitling it to declaratory and injunctive relief.

1 106. Rumble does not have an adequate monetary or legal remedy for the loss of
2 its constitutional and statutory rights.

3 107. Unless Defendants are enjoined, Rumble will continue to suffer irreparable
4 harm.

5 108. In enforcing AB 2655, Defendants, their agents, and persons under their
6 control act under the color and pretense of the law, statutes, ordinances, regulations,
7 customs, usages, or policies of the State of California.

8 **CLAIMS**

9 **COUNT ONE**

10 **Violation of the First Amendment's Free Speech Clause and Free Press Clause**

11 109. Rumble repeats and realleges each allegation contained in paragraphs 1–
12 108 of this Complaint.

13 110. The First Amendment's Free Speech Clause and Free Press Clause protect
14 Rumble's ability to speak, including through its moderation of content on its website and
15 its editorial discretion in choosing what content to display on its website. The Fourteenth
16 Amendment incorporates the First Amendment against the States.

17 111. The First Amendment protects Rumble's right to be free from content-,
18 viewpoint-, and speaker-based discrimination, overbroad restrictions on speech,
19 compelled speech, and vague laws allowing unbridled discretion by enforcement officials.

20 112. The First Amendment also protects against a state government forcing
21 Rumble to violate the free-speech rights of its users.

22 113. As a "large online platform" that hosts, curates, and publishes third-party
23 speech, Rumble has standing to assert the rights of its users who seek to use Rumble to
24 engage in expressive activity and whose First Amendment rights are infringed by AB
25 2655.

26 114. Rumble engages in activities protected by the First Amendment when it
27 employs its editorial discretion and curates or moderates the content displayed on its
28 platform.

1 115. The First Amendment protects against a state government deputizing
2 Rumble to violate the free speech rights of its users.

3 116. AB 2655 uses governmental authority and the threat of punishment to
4 coerce Rumble into punishing or suppressing its users' speech that Defendants disfavor.

5 117. AB 2655 constitutes an impermissible and unreasonable restriction of
6 protected speech because it burdens substantially more speech than is necessary to
7 further any governmental interest.

8 118. As applied and facially, AB 2655 bars and chills speech based on content and
9 viewpoint.

10 119. As applied and facially, AB 2655 is not content-neutral because it targets
11 only "materially deceptive content," and only a certain subset of that kind of speech.
12 Specifically, it targets speech that is "reasonably likely to harm the reputation or
13 electoral prospects of a candidate" and speech that is "reasonably likely to falsely
14 undermine confidence in the outcome of one or more election contests."

15 120. As applied and facially, AB 2655 is also not content-neutral because it only
16 regulates "materially deceptive content" directed at specific public offices and referenda,
17 not all elections.

18 121. AB 2655 is unconstitutional as applied to Rumble's speech and facially
19 because AB 2655 is a content-, viewpoint-, and speaker-based regulation that bans, chills,
20 and burdens Rumble's desired speech and requires Rumble to ban, chill, and burden its
21 users' constitutionally protected speech.

22 122. As applied and facially, AB 2655 compels speech by requiring large online
23 platforms to create and display a label for certain content.

24 123. As applied to Rumble, AB 2655 is vague and allows Defendants unbridled
25 discretion to coerce Rumble to report, remove, and label speech and then discriminate
26 based on content and viewpoint in determining whether to apply AB 2655.

27 124. AB 2655 forces Rumble to either create a mechanism where viewers can
28 report any user's posts or risk prosecution for not providing that mechanism.

1 125. AB 2655 uses governmental authority and the threat of punishment to
2 coerce Rumble and other large online platforms into punishing or suppressing their users'
3 speech that Defendants disfavor.

4 126. AB 2655 forces Rumble and other large online platforms to either remove
5 “materially deceptive content” as vaguely and ambiguously defined by California or risk
6 prosecution for not removing that content.

7 127. AB 2655 forces Rumble to label “materially deceptive content” that is not
8 otherwise removable with a label or risk prosecution for not labeling that content.

9 128. AB 2655 is substantially overbroad in relation to any legitimate sweep and
10 is facially unconstitutional for that reason.

11 129. AB 2655 is substantially overbroad because it does not adequately define
12 various material terms in the statute, including but not limited to “deepfake,” “materially
13 deceptive content,” “harm the reputation or electoral prospects of a candidate,” “falsely
14 undermine confidence in the outcome of one or more election contests,” “something that
15 influences the election,” and “satire or parody.”

16 130. AB 2655 also vests unfettered discretion in state officials to define these
17 terms and coerce large online platforms to remove content in accordance with the
18 officials’ own subjective ends for election regulations.

19 131. Accordingly, facially and as applied to Rumble and its users, AB 2655
20 violates the First Amendment.

21 **COUNT TWO**

22 **Violation of the Fourteenth Amendment**

23 132. Rumble repeats and realleges each allegation contained in paragraphs 1–
24 108 of this Complaint.

25 133. The Fourteenth Amendment’s Due Process Clause prohibits the government
26 from censoring speech using vague standards that grant unbridled discretion to
27 government officials to arbitrarily prohibit some speech and that fail to give speakers
28 sufficient notice regarding whether their desired speech violates California’s law.

1 134. Due process requires that people of ordinary intelligence be able to
2 understand what conduct a given statute or regulation prohibits.

3 135. Statutes or regulations that fail to provide this fair notice and clear guidance
4 are void for vagueness.

5 136. Statutes or regulations that authorize or even encourage arbitrary or
6 viewpoint discriminatory enforcement are void for vagueness.

7 137. Rumble, its users, Defendants, and third parties of ordinary intelligence
8 cannot know with certainty what content is prohibited by AB 2655.

9 138. AB 2655 does not provide fair notice of what it prohibits.

10 139. AB 2655 authorizes and encourages discriminatory enforcement.

11 140. AB 2655 uses unconstitutionally vague phrases including but not limited to
12 “falsely appear to a reasonable person to be an authentic record of the content depicted in
13 the media,” “reasonably likely to harm the reputation or electoral prospects of a
14 candidate,” “in connection with the performance of their elections-relate duties,”
15 “reasonably likely to falsely undermine confidence in the outcome of one or more election
16 contests,” “something that influences the election,” and “satire or parody.”

17 141. Defendants can use that vagueness, and the unbridled discretion it provides,
18 to apply AB 2655 in a way that discriminates against content, viewpoints, and actions
19 Defendants disfavor.

20 142. Accordingly, facially and as applied to Rumble and its users, AB 2655
21 violates the Fourteenth Amendment’s Due Process Clause and chills free speech.

22 **COUNT THREE**

23 **Article VI Supremacy Clause, Section 230 preemption**

24 143. Rumble repeats and realleges each allegation contained in paragraphs 1–
25 108 of this Complaint.

26 144. Article VI of the United States Constitution establishes “the Laws of the
27 United States” as “the supreme Law of the Land.” U.S. Const. art. VI.

1 145. Under Article VI, Congress may enact statutes that expressly preempt state
2 laws. Federal law that otherwise conflicts with a state law also can preempt that state
3 law.

4 146. Congress enacted Section 230 of the Communications Decency Act (47
5 U.S.C. § 230) to protect providers of “interactive computer services” from liability for their
6 role as a publisher or speaker of third-party content.

7 147. Section 230 defines an “interactive computer service” as “any information
8 service, system, or access software provider that provides or enables computer access by
9 multiple users to a computer server, including specifically a service or system that
10 provides access to the Internet.” 47 U.S.C. § 230(f)(2).

11 148. The Rumble platform is an “interactive computer service” under Section 230,
12 and Plaintiffs Rumble Inc. and Rumble Canada Inc. are “provider[s]” of an “interactive
13 computer service.”

14 149. The Communications Decency Act states that a “provider” of an “interactive
15 computer service” shall not “be treated as the publisher or speaker of any information
16 provided by” a content creator or commenter. 47 U.S.C. § 230(c)(1).

17 150. The Act also expressly preempts inconsistent state laws and prevents the
18 imposition of liability on an interactive computer service provider for its role as a
19 publisher or speaker of third-party content. 47 U.S.C. § 230(e)(3) (“No cause of action may
20 be brought and no liability may be imposed under any State or local law that is
21 inconsistent with this section.”).

22 151. The Ninth Circuit has held that because the role of a publisher includes
23 “deciding whether to publish or to withdraw from publication third-party content, ...
24 Section 230 prohibits holding companies responsible for moderating or failing to
25 moderate content.” *Est. of Bride*, 112 F.4th at 1176, 1182 (cleaned up).

26 152. AB 2655 requires Rumble to moderate its content by forcing it to remove and
27 label “materially deceptive content.” Because Section 230 prohibits state laws from
28

1 imposing liability on interactive computer service providers for their content-moderation
2 decisions, Section 230 preempts AB 2655.

3 **PRAYER FOR RELIEF**

4 Plaintiffs respectfully ask this Court to enter judgment against Defendants and
5 provide the following relief:

- 6 1. A preliminary injunction and a permanent injunction to stop
7 Defendants and any person acting in concert with them from
8 enforcing AB 2655 facially and as applied;
- 9 2. A declaration that AB 2655 facially and as applied violates the First
10 and Fourteenth Amendments;
- 11 3. A declaration that Section 230 of the Communications Decency Act
12 preempts AB 2655;
- 13 4. An award of Plaintiffs' costs and expenses in this action, including
14 reasonable attorney's fees, in accordance with 42 U.S.C. § 1988;
- 15 5. The requested injunctive relief without a condition of bond or other
16 security required of Plaintiffs; and
- 17 6. Any other relief that the Court deems equitable and just in the
18 circumstances.

19
20 DATED: November 27, 2024

21
22 /s/ Brian R. Chavez-Ochoa
23 Brian R. Chavez-Ochoa
24 Counsel for Plaintiffs
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