

## **A Party's Standing to Challenge Voter Registration Procedures**

*Florida Democratic Party v. Hood*  
(Stephan P. Mickle, N.D. Fla. 4:04-cv-405)

The Florida Democratic Party filed a federal complaint against Florida's secretary of state on October 7, 2004, alleging that election officials in Florida were not processing voter registration applications on which the check box for U.S. citizen status was not checked "yes" even if the attestation of citizenship was signed.<sup>1</sup> With its complaint, the party filed a motion for a preliminary injunction.<sup>2</sup>

Finding that time was of the essence, Judge Stephan P. Mickle ordered the secretary to respond by October 12.<sup>3</sup> On October 11, the party moved for joinder of the U.S. Department of Justice as a party or the Department's participation as an amicus curiae as an alternative.<sup>4</sup>

On October 14, Judge Mickle dismissed the case.<sup>5</sup> "Plaintiff has simply failed to allege that any member or members of the Democratic Party could have sued in his or her own right. In fact, nowhere does Plaintiff's complaint state that any members of the Democratic Party will be injured personally by the challenged state action."<sup>6</sup> Because the complaint did not allege that a Democrat was actually denied registration for failing to check the box, the party lacked standing to pursue the case.<sup>7</sup>

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1. Complaint, *Fla. Democratic Party v. Hood*, No. 4:04-cv-405 (N.D. Fla. Oct. 7, 2004), D.E. 1; see Lucy Morgan & Joni James, *New Suit Expands Pre-Election Battles*, St. Petersburg Times, Oct. 8, 2004, at 5B.

2. Preliminary Injunction Motion, *Fla. Democratic Party*, No. 4:04-cv-405 (N.D. Fla. Oct. 7, 2004), D.E. 3.

3. Order, *id.* (Oct. 7, 2004), D.E. 5.

4. Motion, *id.* (Oct. 11, 2004), D.E. 7.

5. Opinion, *id.* (Oct. 14, 2004), D.E. 10.

6. *Id.* at 3.

7. *Id.* at 4.