

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

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

A political party filed a federal complaint challenging election officials' not processing voter-registration applications on which applicants did not check a box stating that they were U.S. citizens even if they signed a statement that they were citizens. The district judge ordered a prompt response and then dismissed the case for lack of standing, because the party had not alleged actual denial of registration for one of its members.

*Subject:* Registration procedures. *Topics:* Citizenship; registration procedures; National Voter Registration Act.

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 checkbox 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 participation as an amicus curiae by the department 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.

Judge Mickle died on January 26, 2021. Federal Judicial Center Biographical Directory of Article III Federal Judges, [www.fjc.gov/history/judges](http://www.fjc.gov/history/judges).

4. Motion, *Fla. Democratic Party*, No. 4:04-cv-405 (N.D. Fla. Oct. 11, 2004), D.E. 7.

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

6. *Id.* at 3.

7. *Id.* at 4.