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**ADVANCEMENT PROJECT DISAPPOINTED WITH
COURT'S DISMISSAL OF PLAINTIFFS' CLAIMS UNDER
THE VOTING RIGHTS ACT AND THE NVRA**

On April 7, 2006, Advancement Project, along with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, filed an amended complaint in its ongoing litigation on behalf of individual Florida voters and labor organizations, challenging the denial of thousands of valid voter registration applications and the failure to provide applicants whose applications were unlawfully deemed incomplete with timely notice or an opportunity to cure their application.

The lawsuit asserts that defendants, five county Supervisors of Elections and the Florida Secretary of State, violated the Voting Rights Act and the National

Voter Registration Act by refusing to process the voter registration applications of plaintiffs and their members, because they had not provided information that was unnecessary to demonstrate their eligibility to register to vote. In particular, defendants rejected applications on which the applicant had not twice indicated felon status, mental capacity, and/or citizenship. The lawsuit also contends that defendants failed to provide plaintiffs and their members with timely notice or an opportunity to cure any purported deficiencies in their application, in violation of the U.S. Constitution.

In October 2004, the district court dismissed the original complaint on the ground that plaintiffs did not have standing to bring the lawsuit. The 11th Circuit Court of Appeals reversed that ruling. While the case was on appeal, the Florida legislature enacted a new law requiring counties to reject applications on which the citizenship and/or other boxes on the form are not checked and prohibiting counties from accepting corrections to voter registration applications except under very limited circumstances.

Shortly after plaintiffs filed their first and second amended complaints, defendants moved to dismiss the amended complaint for failure to state a claim upon which relief can be granted. On June 21, the Court issued an order denying in part defendants' motion to dismiss. The Court did not dismiss plaintiffs' claims that defendants' failure to provide voter registration applicants with timely notice or an opportunity to cure purported deficiencies violates the U.S. Constitution, but ordered plaintiffs to provide a more definite statement of those claims. As to plaintiffs' claims under the Voting Rights Act and the NVRA, the Court held that defendants' refusal to process applications on which the applicant did not both check a box indicating citizenship, felon status, or mental capacity, and sign an oath affirming eligibility, did not violate those statutes.

Advancement Project is disappointed with the Court's dismissal of plaintiffs' claims under the Voting Rights Act and the NVRA and believes that the Court's ruling was in error. Advancement Project is currently weighing whether to appeal.