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HEADLINE: Voter Registrations Hit Snag Over Citizenship Check Box

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BODY:

A tiny check box about citizenship on voter registration forms has touched off the latest battle over voting rights in Florida, where Gov. Jeb Bush's administration has advised election supervisors to reject applications on which the box is blank.

Election officials say thousands of people across the country who registered to vote this year failed to check the box, which is a requirement of the 2002 Help America Vote Act. But most forms also require a signature on a statement making the same affirmation. The League of Women Voters has urged states to accept applications with the oath but without the check, and recently Ohio and a few other states decided to do so.

But last week, Dawn Roberts, director of the Florida Division of Elections, sent to county election officials a copy of a legal opinion by a lawyer for the secretary of state concluding that both affirmations had to be made, or the registration would be rejected and returned to the applicant. It was up to individual counties whether to enforce the opinion.

Jenny Nash, a spokeswoman for Florida's secretary of state, Glenda E. Hood, said the problem had arisen mainly on forms filed by third parties on behalf of potential voters. Dozens of groups have crisscrossed Florida this election year, registering record numbers of new voters, many of them in minority and low-income neighborhoods.

"To be frank, a voter does have the responsibility to properly fill out the registration form," Ms. Nash said.

America's Families United, a nonpartisan civil rights group in Washington, filed suit on Thursday against the Duval County Board of Elections to get a list of citizens whose registrations have been rejected. A state judge threw out the suit yesterday.

Judith Browne, a lawyer for the group, said it had lists from Orange and Miami-Dade Counties, and would try to get the forms updated before registration closed on

Monday. Ms. Browne said elections supervisors had told her that most of the county officials would follow the advice of the state's lawyer.

Before filing the suit, America's Families United had urged Governor Bush to tell supervisors to accept the registrations without the checkbox, called the ruling "ridiculous."

"Checking off a box doesn't add any additional qualification," Ms. Browne said. "It's technical, it's nonsensical and it's yet another obstacle that stands in the way of someone voting for the next president."

Officials in Miami said yesterday that they had decided to register people who had signed the oath but not checked the box, as long as they had no other problems on the form. Most of the 1,300 who had failed to check the box also had other problems that made their registrations unacceptable, and only 40 were added, said Seth Kaplan, spokesman for the Miami-Dade supervisor of elections.

Last spring, Arizona passed a requirement saying that both the checkbox and the oath had to be completed, and registrations are returned if they do not comply, Deputy Secretary of State Kevin Tyne said.

In Ohio, Secretary of State Kenneth Blackwell told county officials on Sept. 9 that they should accept registrations even if the boxes were not checked. Some counties have kept records of those, and said they would add the names to the rolls. Others said they had returned cards to applicants and had not kept copies.

"We applauded the ruling in Ohio," said Kay Maxwell, president of the League of Women Voters. "By signing, you are saying you are a citizen."

Sam Reed, the secretary of state in Washington, sent out a memorandum telling local registrars to accept applications with unchecked boxes, as long as the oath was signed.

In Nevada, Clark County's elections director, Larry Lomax, has come up with a novel solution: Voters will be allowed to vote if they sign a statement attesting to their citizenship when they show up at the polls.

"We try to be inclusive," Mr. Lomax said.

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