Alaska Senate Election Vote Count - Joe Miller's State Court Filing.

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Dude, we could stay tangled up like this
for the entire 112th Congress!

?***Cry "Havoc!" And Let Slip The Moose of War!*** Joe Miller, Alaska's GOP/Tea Party candidate for U.S. Senate, filed suit against the Alaska Division of Elections in state court on Monday. Under a federal district court order last week, Alaska was enjoined from certifying the election *if* Miller filed in state court by Monday. With this filing he has met that requirement, and the election outcome will remain uncertain for the foreseeable future. Incumbent Republican Senator Lisa Murkowski appears to have a lead in the votes *as counted*, but Miller, of course, objects to the procedures that the Division of Elections used to count those ballots. His Monday filing in the Alaska Superior Court in Fairbanks makes this quite clear, indeed, as you can read below.

I'll analyze his contentions tomorrow, and at first blush, they appear to have merit - if one is a member of the school of so-called "strict constructionists" who adhere, so they say, to the "plain words" of the statute. The difficulty of defining and applying those "plain words," however, has vexed courts since time immemorial. There's an old saw that goes something like this:

> "We've looked at the volumes of legislative history, we've considered the intent of the legislature, we've analyzed judicial precedents, so now, let us look at the *actual words of*

the statute."

For now, here's the "plain words" of candidate Miller's complaint, filed yesterday in the Alaska Superior Court in Fairbanks:

For more on Joe Miller, and the 2010 Alaska Senate contest, see these posts.

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