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HOUSE RESOLUTION

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

DISCUSSION DRAFT

A RESOLUTION

CONSTITUTING ARTICLES OF IMPEACHMENT OF MICHELLE LUJAN GRISHAM,  
GOVERNOR; BEING A RECITATION OF THE ARTICLES OF IMPEACHMENT  
UPON WHICH THE HOUSE OF REPRESENTATIVES FINDS THAT MICHELLE  
LUJAN GRISHAM HAS COMMITTED ACTS THAT WARRANT IMPEACHMENT AND  
TRIAL IN THE SENATE PURSUANT TO SECTIONS 35 AND 36 OF ARTICLE 4  
OF THE CONSTITUTION OF NEW MEXICO; PROVIDING FOR NOTICE OF  
IMPEACHMENT AND THE PROSECUTION OF IMPEACHMENT.

WHEREAS, Michelle Lujan Grisham was elected to the  
position of governor on November 6, 2018 for a term of four  
years; and

WHEREAS, Michelle Lujan Grisham was reelected to the  
position of governor on November 8, 2022 for another four-year  
term; and

WHEREAS, Michelle Lujan Grisham first took the oath of

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1 office of governor on January 1, 2019 and again for her second  
2 term on January 1, 2023; and

3 WHEREAS, on September 7, 2023, Michelle Lujan Grisham  
4 issued Executive Order 2023-130, declaring a state of public  
5 health emergency due to gun violence effective through October  
6 6, 2023; and

7 WHEREAS, in Executive Order 2023-130, Michelle Lujan  
8 Grisham directed the department of health, the department of  
9 homeland security and emergency management and the department  
10 of public safety to immediately begin collaborating with her  
11 office "to provide an effective and coordinated response to  
12 this public health emergency"; and

13 WHEREAS, in the same executive order, she directed all  
14 political subdivisions of the state to comply with and enforce  
15 all directives pursuant to the order; and

16 WHEREAS on September 8, 2023, Patrick Allen, secretary of  
17 health, as directed by the governor, issued a public health  
18 order prohibiting any person, other than a law enforcement  
19 officer or licensed security officer, from possessing a  
20 firearm, "either openly or concealed", within certain cities  
21 and counties and subject to certain exceptions relating to use  
22 of firearms on private property, on the premises of licensed  
23 firearms dealers or gunsmiths, firing ranges or sports shooting  
24 competitions; and

25 WHEREAS, at Michelle Lujan Grisham's direction, anyone

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1 carrying a firearm in contravention of the public health order  
2 "may be subject to civil and administrative penalties available  
3 at law"; and

4 WHEREAS, the public health order directs the department of  
5 public safety to "coordinate with local law enforcement  
6 agencies and district attorneys' offices and assist in  
7 apprehension of individuals with outstanding arrest warrants";  
8 and

9 WHEREAS, the public health order directs the department of  
10 public safety to "dispatch additional officers and resources to  
11 Bernalillo county and work with the Albuquerque police  
12 department and Bernalillo county sheriff to determine the best  
13 use of those resources"; and

14 WHEREAS, on September 13, 2023, a federal judge issued a  
15 temporary restraining order against the firearm prohibition  
16 imposed in the public health order; and

17 WHEREAS, on September 15, 2023, Michelle Lujan Grisham  
18 directed that the public health order be modified, but still  
19 applied a prohibition on the carrying of firearms, "either  
20 openly or concealed", within certain public spaces; and

21 WHEREAS, Article 2, Section 1 of the constitution of New  
22 Mexico recognizes that "the state of New Mexico is an  
23 inseparable part of the federal union, and the constitution of  
24 the United States is the supreme law of the land"; and

25 WHEREAS, the second amendment to the United States

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1 constitution provides that "a well regulated militia, being  
2 necessary to the security of a free state, the right of the  
3 people to keep and bear arms, shall not be infringed"; and

4 WHEREAS, Article 2, Section 6 of the constitution of New  
5 Mexico provides that "[n]o law shall abridge the right of the  
6 citizen to keep and bear arms for security and defense, for  
7 lawful hunting and recreational use and for other lawful  
8 purposes, but nothing herein shall be held to permit the  
9 carrying of concealed weapons. No municipality or county shall  
10 regulate, in any way, an incident of the right to keep and bear  
11 arms."; and

12 WHEREAS, by her issuance of Executive Order 2023-130 and  
13 her direction to issue the September 8, 2023 public health  
14 order, Michelle Lujan Grisham has abridged the fundamental  
15 rights of law-abiding New Mexico citizens under the second  
16 amendment to the United State constitution and Article 2,  
17 Section 6 of the constitution of New Mexico; and

18 WHEREAS, Michelle Lujan Grisham's actions are in  
19 contravention to her oath of office, in which she swore to  
20 support the constitution and the laws of the state and to  
21 faithfully and impartially discharge the duties of her office;  
22 and

23 WHEREAS, Article 4, Section 36 of the constitution of New  
24 Mexico provides, in pertinent part, that all state officers  
25 "shall be liable to impeachment for crimes, misdemeanors and

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1 malfeasance in office"; and

2 WHEREAS, Article 4, Section 35 of the constitution of New  
3 Mexico vests the sole power of impeachment with the house of  
4 representatives, by which a majority vote of all members  
5 elected may impeach a state officer, who shall than be tried by  
6 the senate;

7 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
8 REPRESENTATIVES OF THE STATE OF NEW MEXICO, IN THE NAME OF  
9 ITSELF AND ALL OF THE PEOPLE OF THE STATE OF NEW MEXICO, that  
10 Michelle Lujan Grisham, governor, be impeached on each of the  
11 following Articles of Impeachment:

12 ARTICLE I:

13 Michelle Lujan Grisham violated Article 2, Section 6 of  
14 the constitution of New Mexico by issuing Executive Order  
15 2023-130 and directing issuance of the September 8, 2023 public  
16 health order; and

17 ARTICLE II:

18 Michelle Lujan Grisham directed modification of the  
19 September 8, 2023 public health order in a manner that  
20 continued to violate Article 2, Section 6 of the constitution  
21 of New Mexico; and

22 ARTICLE III:

23 Michelle Lujan Grisham violated the second amendment to  
24 the United States constitution by issuing Executive Order  
25 2023-130 and directing issuance of the September 8, 2023 public

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1 health order; and

2 ARTICLE IV:

3 Michelle Lujan Grisham directed modification of the  
4 September 8, 2023 public health order in a manner that  
5 continued to violate the second amendment to the United States  
6 constitution; and

7 ARTICLE V:

8 Michelle Lujan Grisham inappropriately used the public  
9 health emergency process established pursuant to the Public  
10 Health Emergency Response Act and the All Hazard Emergency  
11 Management Act to strip citizens of their constitutional rights  
12 to keep and bear arms; and

13 ARTICLE VI:

14 Michelle Lujan Grisham misused public resources entrusted  
15 to her by directing the department of public safety to enforce  
16 the provisions of the unconstitutional public health order as  
17 it was issued on September 8, 2023 and as it was further  
18 modified on September 15, 2023; and

19 ARTICLE VII:

20 Michelle Lujan Grisham coerced political subdivisions to  
21 engage in conduct that is contrary to rights established in  
22 Article 2, Section 6 of the constitution of New Mexico or the  
23 second amendment to the United States constitution by requiring  
24 all political subdivisions to comply with and enforce all  
25 directives issued pursuant to Executive Order 2023-130; and

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1 ARTICLE VIII:

2 Michelle Lujan Grisham abused the public trust and the  
3 confidence placed in her by the people through the acts  
4 described in these articles; and

5 BE IT FURTHER RESOLVED that the chief clerk of the house  
6 of representatives shall forthwith provide notice of  
7 impeachment to Michelle Lujan Grisham, by the service of this  
8 resolution which hereby includes the constitutional command  
9 that pursuant to Article 4, Section 36 of the constitution, she  
10 shall no longer "exercise any power or duties of [her]  
11 office...until [she] is acquitted" by the senate; and

12 BE IT FURTHER RESOLVED that the speaker of the house of  
13 representatives be directed to appoint a select group of six  
14 members, no more than three of whom are of the same political  
15 party, to inform the senate of the passage of these articles  
16 and to serve as house managers to prosecute Michelle Lujan  
17 Grisham on the foregoing articles in the name of the house of  
18 representatives and the people of this state; and

19 BE IT FURTHER RESOLVED that the house managers be  
20 authorized to retain staff, including special counsel and  
21 investigators, as necessary and within the limitations of  
22 funding as authorized by law, to assist in prosecuting these  
23 articles of impeachment; and

24 BE IT FURTHER RESOLVED that the house of representatives  
25 support and request that the senate support the passage of laws

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1 granting the house managers authority to issue subpoenas in the  
2 name of the house of representatives to facilitate the work of  
3 the house managers and to support the conduct of the trial upon  
4 these articles in the senate; and

5 BE IT FURTHER RESOLVED that the New Mexico legislative  
6 council be requested to authorize the house managers to meet in  
7 the interim as necessary to carry out their duties.