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HOUSE RESOLUTION 1
56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY
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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.

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