

**STATE OF NEW MEXICO**

**COUNTY OF GRANT**

**RESOLUTION NO. R-21-09**

**A RESOLUTION IN SUPPORT OF AMERICAN DEMOCRACY AND CONDEMNING NEW MEXICO REPRESENTATIVE YVETTE HERRELL'S VOTES TO REJECT THE ELECTORAL COLLEGE VOTES OF ARIZONA AND PENNSYLVANIA**

**WHEREAS**, the United States Constitution establishes three co-equal branches of government, providing for a system of checks and balances that has maintained stability and unity for nearly all of the 244 years of our existence as a country; and

**WHEREAS**, the Constitution establishes the autonomy of the several states to govern themselves in all ways not proscribed by it, and respect for that autonomy is another cornerstone in the success and stability of our Republic; and

**WHEREAS**, our elected federal representatives have sworn an Oath to protect and defend the Constitution, which requires that they respect the roles of the other branches of government and the autonomy of each state; and

**WHEREAS**, actions that ignore these safeguards and attempt to overstep bounds of authority, undermine the autonomy of the several states, and replace lawful judicial procedures with the opinions of individual representatives tend to weaken our Constitution, our governmental institutions, and our nation; and

**WHEREAS**, on January 6, 2021, Representative Yvette Herrell voted against the certification of the electoral votes cast for President-Elect Joe Biden by the State of Arizona and the Commonwealth of Pennsylvania; and

**WHEREAS**, Representative Herrell stated that her basis for those votes was "unconstitutional election changes in numerous states" that "disenfranchised" her constituents in New Mexico; and

**WHEREAS**, it is the role of the judiciary, not Congress, to render decisions on constitutional issues, including the appropriate remedies for a constitutional violation if a court determines a violation to have occurred; and

**WHEREAS**, President Donald Trump and his supporters filed scores of challenges to the recent presidential election, including challenges to the election procedures of the State of Arizona and the Commonwealth of Pennsylvania, which were heard by Republican- and Democratic-appointed judges, including numerous judges appointed by President Trump; and

**WHEREAS**, not one of these challenges has been upheld in any court, including two that have been rejected by the U.S. Supreme Court, four that have been withdrawn from or rejected by state and

federal courts in Arizona, and 13 that have been withdrawn from or rejected by state and federal courts in Pennsylvania; and

**WHEREAS**, one state cannot in any sense “disenfranchise” the voters of another state by casting its own electoral votes; and

**WHEREAS**, Representative Herrell did vote to disenfranchise the voters of two states by voting not to certify the electoral votes cast by those states after being certified in accordance with applicable law and challenged in the tribunals lawfully established to consider such challenges; and

**WHEREAS**, by voting to disenfranchise the voters of two of New Mexico’s sister states, Representative Herrell set a precedent that could be invoked by a future member of the House of Representatives to disenfranchise the voters of New Mexico and Grant County; and

**WHEREAS**, Representative Herrell’s votes contribute to the delegitimization of the lawful processes for resolving election disputes, which is deeply damaging to the democratic values and domestic tranquility of our country; and

**WHEREAS**, Representative Herrell's actions are contrary to the obvious and immediate interests of the County of Grant, the State of New Mexico, and the nation as a whole in achieving a peaceful transition of power and ensuring the smooth continuation of the essential functions of our government;

**NOW, THEREFORE, BE IT RESOLVED**, that the Grant County Board of Commissioners

**CONDEMNS** the votes of Representative Yvette Herrell objecting to the certification of the electoral votes of the State of Arizona and Commonwealth of Pennsylvania.