

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has been upheld in any court, including two that have been rejected by the U.S. Supreme Court, four that have been withdrawn from or rejected

by state and federal courts in Arizona, and 13 that have been withdrawn from or rejected by state and federal courts in Pennsylvania; and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

[Signature Page Follows]

Passed, Approved and Adopted by the Board of Grant County Commissioners this 14th day of January 2021.

BOARD OF GRANT COUNTY COMMISSIONERS

Chris Ponce, Member

Alicia Edwards, Member

Gerald W. Billings, Jr., Member

Harry Browne, Member

Javier Salas, Member

ATTEST:

Marisa Castrillo, County Clerk

