

**HR 7 – AS INTRODUCED**

2015 SESSION

15-0675  
04/10

HOUSE RESOLUTION        **7**

A RESOLUTION        directing the house of representatives to investigate whether grounds exist to impeach Judge Jacalyn Colburn for her decision in City of Nashua v, William M. Gardner, Secretary of State.

SPONSORS:            Rep. Itse, Rock 10; Rep. Bates, Rock 7

COMMITTEE:         Judiciary

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ANALYSIS

This house resolution directs the house of representatives to investigate whether grounds exist to impeach judge Jacalyn Colburn for her decision granting a writ of mandamus against secretary of state William M. Gardner in City of Nashua v, William M. Gardner, Secretary of State.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

A RESOLUTION directing the house of representatives to investigate whether grounds exist to impeach Judge Jacalyn Colburn for her decision in City of Nashua v, William M. Gardner, Secretary of State.

1           Whereas, grounds may exist to impeach judge Jacalyn Colburn for her decision in City of  
2 Nashua v. William M. Gardner (case number 226-2014-CV-00542); and

3           Whereas, judge Jacalyn Colburn’s misinterpretation of RSA 49-B:5 resulted in a court order  
4 granting the city of Nashua’s petition for a writ of mandamus against secretary of state William M.  
5 Gardner; and

6           Whereas, the court order granting mandamus required Mr. Gardner to add the city of Nashua’s  
7 charter amendment question to the state election ballot for the 2014 general election; and

8           Whereas, judge Jacalyn Colburn’s misinterpretation of RSA 49-B:5 required Mr. Gardner to  
9 expend state funds that had not been appropriated to add the city’s charter amendment question to  
10 the state election ballot; and

11           Whereas, such court order violates Part II, Article 56 of the New Hampshire Constitution  
12 requiring that no moneys be issued out of the treasury of this state but by warrant under the hand of  
13 the governor; and

14           Whereas, such judge Jacalyn Colburn’s actions jeopardized the execution and sanctity of the  
15 state general elections; and

16           Whereas, the house of representatives, in the interests of preserving justice, must investigate  
17 whether grounds exist to impeach judge Jacalyn Colburn; now, therefore, be it

18           Resolved by the House of Representatives:

19           That the house of representatives shall investigate whether grounds exist to impeach judge  
20 Jacalyn Colburn; and

21           That a report detailing the results of such investigation shall be submitted no later than  
22 November 1, 2015 to the speaker of the house of representatives and the house clerk, with copies to  
23 the president of the senate, the senate clerk, and the administrative office of the courts.