Instructions: Grand Jury Petition, Bernalillo County, New Mexico

Citizen Grand Jury Petition Kit · v4.1 · November 10, 2026 · number updated, petition unchanged

Already collecting on an earlier version? Every sheet in one petition must carry the same text, so finish on the version you started with. Before you file, read your county's entry in the change log for anything you need to do.

The number

1. **9,185 valid signatures:** the greater of 200 or 2 percent of the county's registered voters (Article II, Section 14 of the New Mexico Constitution).
2. The base is 459,244 registered voters on the Secretary of State's October 30, 2026 report.
3. The number stays 9,185 while the county has 459,250 or fewer registered voters. Before filing, confirm the number against the Secretary of State's current monthly report. If that report shows more than 459,250, the number is 2 percent of the new count, rounded up to the next whole signature.
4. How many more to collect is the petitioner's call. People generally treat 10 to 20 percent over the number as best practice: 10,104 to 11,022.

To do, by stage

Before the first signature

1. This kit has two documents: the petition, with its signature page, and these instructions. Only the petition and its signature pages are filed.
2. The petition text is final. Collect every signature on this version, and do not change the text.
3. The filer, a registered voter of Bernalillo County, writes their name in the filing block on the petition's first page. The other lines of the block are filled in on filing day, only on the copy that is filed, so no circulating copy carries the filer's contact details. A post office box works as the mailing address. The block goes into the court file, which is open to the public unless the court orders it sealed. Rule 5-123(A) NMRA.
4. Write the filer's name, and nothing else, on the "Person filing" line of every signature page. With co-filers, write one co-filer's name. A filer who also signs a signature line gives the registered residence address on that line.
5. Print signature pages only from the petition file, so every page carries the full printed text.
6. Staple each packet, petition first and signature pages behind. Signature pages never circulate alone.

While collecting

1. **Say this before anyone signs:** This petition asks the Bernalillo County grand jury to inquire whether Social Security records of county residents were shared or copied outside the agency's approved systems, and whether anyone who did so broke New Mexico computer-crime or identity theft law.
2. **If they want more:** The government told a federal court that DOGE staff shared agency data through a third-party server the agency had not approved, and that the agency "has not been able to determine exactly what data were shared." The agency's own chief data officer also disclosed that a copy of the master Social Security file was placed in a cloud environment lacking independent security controls. The petition asks a grand jury of this county to find out whether residents' records were in that data and whether anyone broke this state's law. It names no defendant.
3. **What if officials say no data was shared?** On February 10, 2026, the Social Security commissioner wrote to the Senate Finance Committee that "there is no evidence that data was shared with the referenced outside organization." That statement covers only the political advocacy group in the government's court filing and rests on the agency's own review. It says nothing about the unapproved server or the copy of the master file. A grand jury can subpoena records and question witnesses under oath.
4. **What if officials dispute the chief data officer's account?** On August 26, 2025, the day the disclosure became public, the agency said the data the disclosure describes is stored in a long-standing

environment walled off from the internet. A grand jury can subpoena records and question witnesses under oath to find out which account is true.

5. Every signer is a registered voter of Bernalillo County. Ask before they sign.
6. Each signer prints their name as it appears on their voter registration, signs, writes the residence address at which they are registered, and dates the line, in the circulator's presence. Rule 5-302.3(B)(1)(a) NMRA lists an address of record as the first way the court verifies signatures, and a missing address was the reason the petition failed in Convisser v. Ecoversity, 2013-NMSC-039.
7. Each person signs once. A duplicate signature is struck.
8. The circulator who witnessed every signature on a page signs the circulator statement at its foot. No names are added to a page after the circulator signs. The law requires neither the statement nor a notary; the statement gives the court a witness to how the page was signed.
9. Everything said at the table or handed out says only what the petition says, and names no person as having committed a crime. The privilege for statements in a court filing covers the petition as filed, not a flyer or post.

Filing day

1. Before filing, confirm that the count of signatures, with duplicates removed, exceeds the number.
2. Every signer line has a printed name, a signature, a residence address and a date. Every signature page is stapled behind a full copy of the petition and carries the filer's name. Number the signature pages on their "Signature page _____ of _____" lines. The filer signs and dates the "Signature of person filing" line at the end of the petition.
3. Photocopy every page.
4. File with the Clerk of the Second Judicial District Court, Criminal Division, 400 Lomas Boulevard NW, Room 119, Albuquerque, between 8 a.m. and 4 p.m., Monday through Friday. No statute or court rule sets a fee for filing the petition: the district court docket fee in Section 34-6-40(A) NMSA 1978 applies "in civil matters," and Rule 5-302.3 NMRA is a rule of criminal procedure.
5. Obtain a file-stamped copy or a dated receipt, with the case number.
6. More than one voter may file together: five voters appeared together as petitioners in Cook v. Smith, 1992-NMSC-041. Each co-filer fills in a copy of the filing block and signs a copy of the "Signature of person filing" line, with the date. Co-filers file as individual voters, not as an organization. Martinez v. Roscoe, 2001-NMCA-083.

After filing

1. On filing, the court assigns the Second Judicial District Attorney to assist the court. If the petition identifies a target, a person the grand jury would investigate for an alleged crime, the district attorney notifies the target in writing at least 30 days before the hearing on the petition's validity, and the court lets the target join the case before ruling. Rule 5-302.3(C) to (E) NMRA.
2. The court verifies the signatures by address of record, other identifying information, handwriting comparison or testimony from questionable signers. Rule 5-302.3(B)(1) NMRA.
3. The petition must identify "with reasonable specificity the alleged criminal conduct or unlawful malfeasance to be investigated." If the petition "does not reasonably specify alleged conduct that, if true, would warrant a true bill of indictment," the court "must deny the petition." Rule 5-302.3(B)(2) NMRA. The court also decides whether the inquiry lies within the permissible scope of grand jury inquiry, which includes whether the offenses can be tried in Bernalillo County and whether the time limits for prosecution have expired (Time limits, item 5). The court decides these questions before any grand jury is convened, and it may first hold a hearing and allow responses, as it did in Convisser.
4. If the court denies the petition, the filer may appeal by filing a notice of appeal within 30 days after the order is filed. Rule 12-201 NMRA.

Grand jury

1. If the court grants the petition, the court convenes a grand jury in Bernalillo County or submits the matter to a grand jury already sitting there. The court directs the grand jury to inquire into each violation described in the petition that the judge finds a proper subject of investigation. Rule 5-302.3(F) NMRA.
2. The Second Judicial District Attorney or an assistant attends and conducts the grand jury, unless disqualified. Section 31-6-7(C) NMSA 1978.
3. If the district attorney's office fails or refuses to act, the Attorney General is authorized to act for the state. Rule 5-302.3 NMRA, committee commentary; Section 8-5-3 NMSA 1978.
4. The grand jury can subpoena witnesses and records. Section 31-6-12(A) NMSA 1978. The district court pays grand jurors and subpoenaed witnesses. Section 31-6-13 NMSA 1978. The grand jury returns a true bill, which is an indictment, or a no bill, which is a decision not to indict.

Time limits

1. Article II, Section 14 and Rule 5-302.3 NMRA set no deadline for gathering signatures.
2. Unauthorized computer use, Counts 1 and 2: prosecution must commence within six years of each act for a second degree felony, which applies when the damage is over $20,000, and within five years for a third or fourth degree felony, which applies when the damage is over $500 and up to $20,000. The earliest act alleged was in March 2025. Sections 30-45-5 and 30-1-8 NMSA 1978.
3. Theft of identity, Count 3, is a fourth degree felony. Prosecution must commence within five years from the time the crime was discovered. Sections 30-16-24.1(D) and 30-1-8 NMSA 1978.
4. No time counts toward these limits while a defendant is absent from New Mexico or is not usually and publicly a resident of New Mexico. Section 30-1-9(A) NMSA 1978.
5. These limits are part of the scope test. The court must determine "whether the petition seeks to investigate conduct that lies within the permissible scope of grand jury inquiry." Rule 5-302.3(B)(2) NMRA. A grand jury may investigate only criminal conduct or malfeasance proscribed by state law, "subject to the limitation on geographic scope of inquiry, the prohibition on duplicative prosecution, and any applicable limitations period." Cook v. Smith, 1992-NMSC-041. Section 6 of the petition gives the grounds for trying the offenses in Bernalillo County.

Objections you may hear

1. **Isn't this a federal matter?** The United States and New Mexico are separate sovereigns, each enforcing its own criminal law. Gamble v. United States, 587 U.S. 678 (2019). The petition alleges crimes under New Mexico's computer-crime and identity theft laws, and a county grand jury's oath covers "all public offenses against the people of this state, committed or triable within this county." Section 31-6-6(A)(1) NMSA 1978.
2. **Don't federal officers have immunity?** A federal officer who is charged may claim immunity under the Supremacy Clause, the part of the United States Constitution that makes federal law supreme, for an act that federal law authorized, if the officer did no more than was necessary and proper. In re Neagle, 135 U.S. 1 (1890). A federal officer who is subpoenaed or charged may ask a federal court to take that part of the case, 28 U.S.C. § 1442(a)(1), (d)(1), and neither step is a reason to decline a grand jury inquiry into whether the conduct was a lawful federal act or a crime under New Mexico law.
3. **What if the acts happened outside New Mexico?** New Mexico may prosecute a crime committed elsewhere that has a detrimental effect in New Mexico. State v. Allen, 2014-NMCA-111, ¶ 16. Section 6 of the petition gives two grounds for trying the offenses in Bernalillo County: theft of identity is considered committed in the county where the person whose identifying information was obtained lived, Section 30-16-24.1(G) NMSA 1978, and unauthorized computer use is tried in the county where it was committed or, when its elements were committed in different counties, in any county where a material element was committed, here the damage, which includes the cost of protecting county residents. Sections 30-1-14 and 30-45-5 NMSA 1978.

4. **What harm does the petition allege?** The petition alleges, on information and belief, damage with a value of more than $20,000, including the cost of protecting county residents whose records were exposed, and that residents' identifying information was obtained or transferred without their consent. Paragraphs 5.8 and 5.9. Paragraph 3.9 asks the grand jury to inquire into the value of the damage.

A prosecutor's decision not to bring a case does not stop a citizen petition. The court decides whether to convene the grand jury. Rule 5-302.3(B), (F) NMRA.

What the filer does after filing

1. Attend any hearing the court sets on the petition's validity, where the court may take testimony from signers whose signatures are in question. Rule 5-302.3(B)(1), (D) NMRA.
2. No rule requires the filer to testify, though a grand jury can subpoena any witness. Section 31-6-12(A) NMSA 1978.
3. The filer does not present evidence or question witnesses.
4. Grand jury proceedings are secret. The filer makes no public statement about any testimony.

Can I stop?

Yes. Neither Article II, Section 14 nor Rule 5-302.3 NMRA sets a deadline for gathering signatures or imposes a duty to file, and no New Mexico statute penalizes a petitioner who stops collecting or never files. After filing, Rule 5-302.3 NMRA assigns duties only to the court and the district attorney and sets no penalty for a filer who steps back. If you stop before filing, keep the signed pages private, because they show signers' names and addresses.

About this kit

The Existentialist Republic publishes this petition as a template, with the allegations drafted and cited, and these instructions. The petitioner decides whether to file and when. This kit is activist material. Nothing in it is legal advice, and The Existentialist Republic does not act as legal counsel for anyone who uses the kit. A lawyer is not required under Article II, Section 14 of the New Mexico Constitution or Rule 5-302.3 NMRA, and petitioners commonly go through this process without one.