

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

**IN RE: PETITION OF REGISTERED VOTERS OF DOUGLAS COUNTY FOR A
GRAND JURY UNDER NEB. REV. STAT. SEC. 29-1401(3)**

Case No. _____

PETITION FOR A GRAND JURY

TO THE PRESIDING JUDGE OF THE DISTRICT COURT OF DOUGLAS COUNTY:

The undersigned registered voters of Douglas County, Nebraska petition the Court under Neb. Rev. Stat. secs. 29-1401(3) and 29-1401.02 to call a grand jury to inquire into offenses against the criminal laws of the State of Nebraska alleged to have been committed, as set out below. This petition is signed by registered voters of Douglas County equal in number to not less than ten percent of the registered voters of the county who cast votes for the office of Governor at the most recent general election held for that office. Every signature appears on a sheet in the form required by Neb. Rev. Stat. sec. 32-628 and was signed not more than ninety days before the date of filing. This petition contains the recital of reasons and the specific reference to statutes that sec. 29-1401(3) requires.

I. RECITAL OF THE REASON FOR REQUESTING A GRAND JURY

1. The United States Social Security Administration maintains the Numerical Identification System, known as the Numident, a master file containing the name, date of birth, place of birth, parents' names, and Social Security number of every person to whom a Social Security number has been issued. That file contains the personal identifying information of residents of Douglas County. (Social Security Administration Office of the Inspector General, Audit Report A-06-16-50069; Social Security Bulletin, Vol. 69, No. 1 (2009).)
2. On January 16, 2026, the United States Department of Justice filed a Notice of Corrections to the Record, ECF No. 197, in American Federation of State, County and Municipal Employees, AFL-CIO v. Social Security Administration, No. 1:25-cv-00596-ELH, in the United States District Court for the District of Maryland. In that filing the government stated that between March 7, 2025 and March 17, 2025, members of the Social Security Administration's DOGE Team transmitted Social Security Administration data through servers operated by the third-party

company Cloudflare that the agency had not approved for that purpose, outside the agency's security protocols. (ECF No. 197, § VI.)

3. The same filing stated that on March 3, 2025, a member of the Social Security Administration's DOGE Team copied a person who was then a senior advisor to the U.S. DOGE Temporary Organization, and a DOGE-affiliated employee at the Department of Labor, on an email to the Department of Homeland Security that attached an encrypted, password-protected file. It further stated that, based on the email's description of the file and on what the agency had approved to be released to the Department of Homeland Security, the agency believes the file contained personal identifying information derived from the agency's systems of record, including the names and addresses of approximately 1,000 people. It also stated that the agency has been unable to access the file to determine exactly what it contained, and that it is unclear whether the password was shared with the senior advisor or the Department of Labor employee. (ECF No. 197, § II.)

4. The same filing states that in March 2025 "a political advocacy group contacted two members of SSA's DOGE Team with a request to analyze state voter rolls that the advocacy group had acquired," that "[t]he advocacy group's stated aim was to find evidence of voter fraud and to overturn election results in certain States," and that "one of the DOGE team members signed a 'Voter Data Agreement,' in his capacity as an SSA employee, with the advocacy group," sending the executed agreement to the group on March 24, 2025. It further states: "Email communications reviewed by SSA suggest that DOGE Team members could have been asked to assist the advocacy group by accessing SSA data to match to the voter rolls, but SSA has not yet seen evidence that SSA data were shared with the advocacy group." That review was the agency's own. A grand jury can compel the communications and records the agency reviewed. (ECF No. 197, § V and n.1.)

5. The same filing stated that, because Cloudflare is a third-party entity, the Social Security Administration "has not been able to determine exactly what data were shared to Cloudflare or whether the data still exist on the server." (ECF No. 197, § VI.)

6. On April 10, 2026, in the en banc appeal in that case, the opinion of Judge Heytens of the United States Court of Appeals for the Fourth Circuit, joined on this point by Chief Judge Diaz and Judge Harris, described that filing this way: "In that notice, the government admits: (1) that it provided inaccurate information to the district court and may not have fully complied with its

temporary restraining order; (2) that DOGE used an unauthorized third-party server to share SSA data; and (3) that DOGE team members may have agreed to share SSA data with a political advocacy group that aims to 'find evidence of voter fraud and to overturn election results in certain States.'" (No. 25-1411, slip op. at 15-16 n.8 (opinion of Heytens, J.)). The federal district court quoted that description in its memorandum opinion of June 26, 2026. On April 14, 2026, the district court granted the plaintiffs' motion for discovery into the matters the Notice of Corrections disclosed (ECF No. 212). On June 26, 2026, it denied the government's motion to rescind that order, and wrote that in the Notice of Corrections "defendants disclosed that several sworn declarations previously submitted to the Court were inaccurate." (Mem. Op., June 26, 2026.)

7. On August 26, 2025, Charles Borges, then the Chief Data Officer of the Social Security Administration, submitted a whistleblower disclosure to the United States Office of Special Counsel and to four committees of Congress. The disclosure states that on June 10, 2025 a request was made to create "a cloud environment to which SSA's Numerical Identification System or 'NUMIDENT' data could be transferred," and it describes the "DOGE specific, self-administered cloud environment lacking independent security controls and hosting a copy of NUMIDENT." The Numident contains one record for each Social Security number ever assigned, so a copy of it contains the records of every resident of Douglas County who has been issued a Social Security number. (Disclosure of Charles Borges, Aug. 26, 2025; Social Security Administration Office of the Inspector General, Audit Report A-06-16-50069.)

8. On information and belief, based on the facts set out above, the records of Douglas County residents were among the Social Security Administration data shared through a third-party server the agency had not approved, or copied into a cloud environment lacking independent security controls. The agency holds a record for every resident who has been issued a Social Security number, and it has told a federal court that it "has not been able to determine exactly what data were shared to Cloudflare." Whether residents' records were copied, shared, matched or retained, and by whom, is what this petition asks a grand jury of Douglas County to determine.

9. No court has yet inquired into whether the conduct described above violated the criminal laws of the State of Nebraska. The undersigned request that a grand jury of this county do so.

II. STATUTES ALLEGED TO HAVE BEEN VIOLATED

The undersigned allege that the conduct described in Part I violated the following statutes of the State of Nebraska.

A. Neb. Rev. Stat. sec. 28-1344 (Computer Crimes Act; unlawful acts; obtaining property).

Section 28-1344(1) provides that any person who, having accessed any computer, computer system, computer software, or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of an offense if he or she intentionally obtains property of another. Section 28-1343(13) defines property to include electronically processed or electronically produced data and information. Section 28-1343(1) defines access to include storing data in, retrieving data from, or otherwise using the resources of a computer, computer system, or computer network. The undersigned allege, on information and belief, that persons who had been granted access to Social Security Administration systems knowingly and intentionally exceeded the limits of their authorization by transmitting agency data through, and storing it on, third-party servers the agency had not approved, and thereby obtained data that was the property of another, including records of residents of Douglas County. Under sec. 28-1344(3), the offense is a Class IV felony when the value of the property or services involved is one thousand five hundred dollars or more but less than five thousand dollars, and under sec. 28-1344(2) it is a Class III felony when that value is five thousand dollars or more. On information and belief, the value of the property obtained exceeds one thousand five hundred dollars. Under sec. 29-110(1), prosecution of a felony must begin within three years of the offense. For conduct in March 2025 that period ends in March 2028.

B. Neb. Rev. Stat. sec. 28-639 (identity theft). Section 28-639(1) provides that a person commits the crime of identity theft if he or she knowingly takes, purchases, manufactures, records, possesses, or uses any personal identifying information of another person without the consent of that other person, with the intent to obtain or use the other person's identity for any unlawful purpose or to cause loss to a person, whether or not the person actually suffers any economic loss as a result of the offense. Section 28-636(3) defines personal identifying information to include a person's name, date of birth, address, and Social Security number. The undersigned allege, on information and belief, that persons acting as described in Part I knowingly took, recorded, possessed, and used the personal identifying information of residents of Douglas County without their consent, by transmitting it through a third-party server the agency had not approved and by

copying it into a cloud environment lacking independent security controls, with the intent to obtain or use those residents' identities for an unlawful purpose, including any matching of Social Security Administration records against state voter rolls under the Voter Data Agreement described in paragraph 4. Under sec. 29-110(7), prosecution for identity theft must begin within five years of the offense. For conduct in March 2025 that period ends in March 2030.

III. VENUE

Neb. Rev. Stat. sec. 28-637(1) provides that venue for the prosecution and trial of violations of secs. 28-636 to 28-640 may be commenced and maintained in any county in which an element of the offense occurred, including the county where a victim resides. On information and belief, the personal identifying information described in Part I includes that of persons who reside in Douglas County. As to the offense under sec. 28-1344, an offense consisting of a series of acts may be prosecuted in any county where one of the acts took place (*Yost v. State*, 149 Neb. 584, 31 N.W.2d 538 (1948)), and a state may reach conduct outside its borders that is intended to produce and does produce detrimental effects within it (*Strassheim v. Daily*, 221 U.S. 280 (1911)). The property alleged to have been obtained is the data of residents of this county. The grand jury's charge under sec. 29-1406 extends to offenses against the criminal laws of the State of Nebraska alleged to have been committed, and the undersigned so allege.

IV. AREAS TO BE INQUIRED INTO

The undersigned request that the grand jury inquire into the following.

1. The transmission of Social Security Administration data through servers operated by Cloudflare between March 7, 2025 and March 17, 2025, and whether records of residents of Douglas County were among the data transmitted.
2. The identity of each person who transmitted, requested, approved, or supervised that transmission, and the authorization each held.
3. The present location of that data, every person and system that has had access to it since March 2025, the security controls applied to it, and whether copies of it still exist on any system outside the agency.
4. The encrypted file emailed on March 3, 2025, its contents, its recipients, its present location, whether its password was shared, and whether it contained records of residents of this county.

5. The Voter Data Agreement signed in March 2025, its terms, the identity of the political advocacy group party to it, and whether any Social Security Administration data was matched against, or disclosed for matching against, any state voter roll, including Nebraska's.
6. Whether copies of the data described in the Notice of Corrections still exist outside the agency's approved systems, and whether records of residents of this county are among those copies.
7. The copy of the Numident described in the disclosure of August 26, 2025, the cloud environment that held it, each person who requested, approved, created, administered or had access to that environment, and whether that copy, or any copy made from it, still exists.
8. Whether the conduct described in items 1 through 7 constituted offenses under Neb. Rev. Stat. secs. 28-1344 and 28-639, and if so, by whom.

V. WHAT THIS PETITION DOES NOT DO

This petition names no person as a defendant. It alleges conduct described in the United States government's own filing in a federal court and in the whistleblower disclosure of the Social Security Administration's then Chief Data Officer, and it asks a grand jury of this county to determine who did it and whether Nebraska law was broken. It cites no federal criminal statute. The decision whether to indict, and whom, belongs to the grand jury.

VI. REQUEST

The undersigned request that, upon certification by the Douglas County Election Commissioner that this petition bears the requisite number of valid signatures, and upon the Court's determination that the formal requirements as to the form of the petition have been satisfied, the Court call a grand jury forthwith as Neb. Rev. Stat. secs. 29-1401(3) and 29-1401.02(6) require.

VII. SIGNATURES

The signatures of the petitioners appear on the signature sheets attached to this petition, numbered _____ through _____, each in the form required by Neb. Rev. Stat. sec. 32-628 and each bearing the sworn affidavit of its circulator.

OBJECT OF THE PETITION, AS PRINTED ON EACH SIGNATURE SHEET

This is a petition by registered voters of Douglas County under Neb. Rev. Stat. sec. 29-1401(3) asking the District Court of Douglas County to call a grand jury to inquire whether members of the Social Security Administration's DOGE Team in 2025 transmitted, stored, copied, or

disclosed Social Security Administration records containing the personal identifying information of Douglas County residents, as alleged violations of Neb. Rev. Stat. sec. 28-1344 (Computer Crimes Act) and Neb. Rev. Stat. sec. 28-639 (identity theft).

Filed by the undersigned registered voters of Douglas County, Nebraska, through the person or persons named below as contact petitioners for purposes of notice only.

Contact petitioner: _____

Mailing address for court notices: _____

Contact petitioner: _____

Mailing address for court notices: _____

Date of filing: _____

PETITION FOR A GRAND JURY, DOUGLAS COUNTY, NEBRASKA (Neb. Rev. Stat. sec. 29-1401(3))

OBJECT OF THIS PETITION: This is a petition by registered voters of Douglas County under Neb. Rev. Stat. sec. 29-1401(3) asking the District Court of Douglas County to call a grand jury to inquire whether members of the Social Security Administration's DOGE Team in 2025 transmitted, stored, copied, or disclosed Social Security Administration records containing the personal identifying information of Douglas County residents, as alleged violations of Neb. Rev. Stat. sec. 28-1344 (Computer Crimes Act) and Neb. Rev. Stat. sec. 28-639 (identity theft). The full text of the petition is attached and available from the circulator. Signers must be registered voters of Douglas County. This sheet goes into the court file, which is open to the public unless the court orders it sealed.

This petition is circulated by a volunteer circulator.

WARNING TO PETITION SIGNERS. VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

No.	Date signed	Signature	Printed name	Date of birth	Street number and name	City or village	Zip code
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STATE OF NEBRASKA)) ss. COUNTY OF _____)

_____, (name of circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing _____ signatures, that he or she is at least eighteen years of age, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

Circulator _____ Address _____

Subscribed and sworn to before me, a notary public, this _____ day of _____ 20____ at _____, Nebraska. Notary Public _____

Sheet _____ of _____. Attach to the Petition for a Grand Jury, Douglas County, Nebraska. No more than fifteen signatures on this sheet.