

**IN THE DISTRICT COURT OF NELSON COUNTY, STATE OF NORTH DAKOTA
NORTHEAST CENTRAL JUDICIAL DISTRICT
IN RE: PETITION OF QUALIFIED ELECTORS OF NELSON COUNTY FOR A
GRAND JURY UNDER N.D.C.C. CHAPTER 29-10.1**

Case No. _____

PETITION FOR A GRAND JURY

TO THE HONORABLE DISTRICT JUDGE:

The undersigned qualified electors of Nelson County, North Dakota petition the Court under N.D.C.C. secs. 29-10.1-02 and 29-10.1-03 to summon and convene a grand jury to inquire into offenses against the laws of North Dakota triable within Nelson County. This petition is signed by qualified electors of Nelson County equal in number to at least twenty-five percent of the total vote cast in the county for the office of governor at the last general election, as N.D.C.C. sec. 29-10.1-02(3) requires, and is verified by at least three petitioners as N.D.C.C. sec. 29-10.1-04 requires.

I. SUBJECT MATTER

The transmission and disclosure of Social Security Administration records, including records containing personal identifying information of Nelson County residents, through a third-party server not approved to hold that data and outside the agency's security protocols, and the disclosure or attempted disclosure of such records to a private political advocacy group.

II. AREAS TO BE INQUIRED INTO

1. The transmission of Social Security Administration data through the third-party service Cloudflare between March 7, 2025 and March 17, 2025, and whether records of Nelson County residents were among the data transmitted.
2. The identity of each person who transmitted, requested, approved, or supervised that transmission.

3. The present location of that data, who has had access to it, and whether it still exists on any third-party system.
4. The Voter Data Agreement signed in March 2025 by a person detailed to the Social Security Administration, the identity of the private advocacy group party to it, and whether Social Security Administration data was matched against or disclosed for matching against any state voter roll.
5. The scope of authorization actually granted within the Social Security Administration for each transmission and disclosure at issue, and whether any transmission or disclosure exceeded it.
6. The copying of the Numerical Identification System database to a cloud environment in 2025, the security and audit controls applied to that copy, and the identity of every person with access to it.
7. Each person's role in the acts described, for the purpose of applying N.D.C.C. secs. 12.1-23-11 and 12.1-06.1-08.

III. GENERAL ALLEGATIONS

Each allegation identifies the record it comes from. These allegations are made on information and belief, drawn from the public record.

1. The Numerical Identification System, known as Numident, is the Social Security Administration's master file of information submitted in applications for Social Security cards. It contains names, Social Security numbers, dates and places of birth, and parents' names for more than 300 million people. (*Contemporaneous reporting on the August 2025 whistleblower disclosure.*)

2. Nelson County, North Dakota has a population of approximately 3,000. Its residents hold Social Security numbers and have records in the Numident. (*United States Census Bureau.*)
3. 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 v. Social Security Administration*, No. 1:25-cv-00596-ELH (D. Md.), correcting statements Social Security Administration officials had previously made to that court. (*Federal court filing.*)
4. That filing states that beginning March 7, 2025 and continuing until March 17, 2025, members of the Social Security Administration's DOGE Team were using links to share data through the third-party server Cloudflare; that Cloudflare is not approved for storing Social Security Administration data; and that its use in that manner is outside the agency's security protocols. (*ECF No. 197.*)
5. The Social Security Administration has been unable to determine what information was shared through that server or whether that data still exists there. (*ECF No. 197.*)
6. That filing further discloses that a person detailed to the Social Security Administration signed and sent a Voter Data Agreement in March 2025 to a private political advocacy group, and states that the advocacy group's stated aim was to find evidence of voter fraud and to overturn election results in certain states. (*ECF No. 197.*)
7. That filing states that email communications reviewed by the agency suggest DOGE Team members could have been asked to assist that advocacy group by accessing Social Security Administration data to match against voter rolls, and that the agency had not yet seen evidence that agency data was shared with the group. It further states that referrals

under the Hatch Act were made to the federal office that investigates such allegations.
(*ECF No. 197.*)

8. On March 10, 2026, the plaintiffs in that litigation filed a Notice of Factual Development informing the court of reported allegations that a former DOGE-affiliated individual may have removed sensitive Social Security data, including records affecting hundreds of millions of people, intending to use it outside the federal government. (*Federal court filing, plaintiffs' notice of reported allegations.*)
9. On April 14, 2026, the district court lifted the stay of the case and granted the plaintiffs' motion for discovery into the matters disclosed in the Notice of Corrections. (*ECF No. 212.*)
10. On August 26, 2025, Charles Borges, then Chief Data Officer of the Social Security Administration, filed a whistleblower disclosure through the Government Accountability Project with congressional committees and the Office of Special Counsel, stating that a copy of the Numident database was placed in a cloud environment lacking independent security monitoring and audit oversight. Charles Borges resigned from the agency days later. (*Sworn whistleblower disclosure; resignation letter.*)
11. In the same Maryland litigation, the district court entered a preliminary injunction on April 17, 2025, ECF No. 147, limiting DOGE access to Social Security Administration records. On June 6, 2025 the Supreme Court of the United States stayed that injunction in No. 24A1063, in an unsigned order over a dissent by Justice Jackson joined by Justice Sotomayor. On April 10, 2026 the Court of Appeals for the Fourth Circuit vacated the injunction and remanded. (*Federal court record.*)

12. The Social Security Administration has disputed the characterization in the August 2025 whistleblower disclosure. Commissioner Frank Bisignano has stated that the location referenced is a secured server within the agency's cloud infrastructure that has historically housed that data, and that neither the Numident database nor its data has been accessed, leaked, hacked, or shared in any unauthorized fashion. (*Agency statement to the Senate Finance Committee.*)
13. The petitioners do not allege that any person has been convicted of or charged with a crime. The petitioners allege that the United States has told a federal court that Social Security Administration data moved through a server not approved to hold it and outside agency security protocols, that the agency cannot say what data that was, and that the agency cannot say whether it still exists. Nelson County residents' records cannot be excluded from that data because the agency has stated it does not know what the data was.

IV. NORTH DAKOTA STATUTES IMPLICATED

N.D.C.C. sec. 12.1-23-11(3): using the personal identifying information of another individual without consent to gain access to personal identifying information of another individual, or to commit an offense in violation of the laws of this state, regardless of any actual economic loss. Personal identifying information includes a person's name, address, and Social Security number under sec. 12.1-23-11(1).

N.D.C.C. sec. 12.1-06.1-08(2): intentionally, and either in excess of authorization given or without authorization, gaining access to, copying, disclosing, or taking possession of any computer, computer system, computer network, or data contained therein.

N.D.C.C. sec. 29-03-04: when a crime is committed in part in one county and in part in another, or when the acts or effects constituting or requisite to the consummation of the offense occur in two or more counties, jurisdiction lies in either or any of those counties.

N.D.C.C. sec. 12.1-23-11(5): a prosecution under sec. 12.1-23-11 must be commenced within six years after discovery by the victim of the facts constituting the violation.

V. VENUE

Venue lies in Nelson County under N.D.C.C. sec. 29-03-04, which places jurisdiction in any county where the acts or effects constituting or requisite to the consummation of an offense occur. The personal identifying information of Nelson County residents was among the records at issue, and the effects of any unauthorized use or disclosure of those records occur where those residents live. The petitioners do not rely on N.D.C.C. sec. 12.1-23-12, which excepts offenses under sec. 12.1-23-11 from its victim-residence venue rule. Venue rests on chapter 29-03. Under N.D.C.C. sec. 29-10.1-21, a grand jury inquires into offenses alleged to have been committed within the county, and this petition so alleges.

VI. LIMITS OF THIS PETITION

This petition alleges no federal offense. It names no person as a defendant. It seeks the removal of no official from any office. It asks a Nelson County grand jury to inquire into conduct affecting Nelson County residents under North Dakota law.

VII. PRAYER

The undersigned qualified electors of Nelson County ask that the Court, upon presentment of this petition bearing the signatures N.D.C.C. sec. 29-10.1-02(3) requires, promptly summon and convene a grand jury as N.D.C.C. sec. 29-10.1-03 directs.

VERIFICATION UNDER N.D.C.C. SEC. 29-10.1-04

The undersigned petitioners, being at least three in number and each a qualified elector of Nelson County, North Dakota, verify on information and belief that the statements in this petition are true.

Petitioner 1: _____ Address:

_____ Date: _____

Printed name: _____ Telephone: _____

Petitioner 2: _____ Address:

_____ Date: _____

Printed name: _____ Telephone: _____

Petitioner 3: _____ Address:

_____ Date: _____

Printed name: _____ Telephone: _____

Signature sheets of qualified electors of Nelson County are attached.