

Instructions: Grand Jury Petition, Nelson County, North Dakota

Citizen Grand Jury Petition Kit · v4 · September 27, 2026

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. **436 valid signatures:** at least 25 percent of the county's total vote for governor at the last general election, but not fewer than 225 nor more than 5,000 (N.D.C.C. sec. 29-10.1-02(3)).
2. The base is 1,741 votes for governor in Nelson County at the November 5, 2024 general election, in the Secretary of State's official results. Twenty-five percent of 1,741 is 435.25, rounded up to 436.
3. North Dakota's November 3, 2026 general election has no governor's race, and the statute does not say which vote then supplies the base. The 2024 figure gives the higher number, 436, which satisfies either reading. After a later general election with a race for governor, the number is 25 percent of that county vote, rounded up, within the same minimum and maximum.
4. How many more to collect is the petitioner's call. People generally treat 10 to 20 percent over the number as best practice: 480 to 524.

To do, by stage

Before the first signature

1. This kit has two documents: the petition, with its verification and signature sheet, and these instructions. Only the petition and its signature sheets are filed. The folder "Filing set for earlier versions" is only for drives that started on an earlier version, as the change log directs.
2. The petition text is final. No court approves it before circulation, so the text circulated is the text filed. Collect every signature on this version, and do not change the text.
3. Print the petition as built, on one side of 8 1/2 by 11 inch white paper, keeping its double spacing and page numbers. A document that does not conform to N.D.R.Ct. 3.1 "may not be filed." N.D.R.Ct. 3.1(h).
4. At least three petitioners will verify the petition, and each must be a qualified elector of Nelson County who signs a signature sheet. N.D.C.C. sec. 29-10.1-04.
5. Print signature sheets only from the petition file, so every sheet carries its printed text exactly as built.
6. Staple each packet, full petition first and signature sheets behind. Signature sheets never circulate alone.

While collecting

1. **Say this before anyone signs:** This petition asks the Nelson 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 North Dakota computer-crime and identity statutes.
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 say the whistleblower is wrong?** The agency has also disputed the chief data officer's account. The petition pleads his disclosure in its own words, and a grand jury can question witnesses about both accounts under oath.
5. Every signer is a qualified elector of Nelson County: a United States citizen, 18 or older, who lives in the county. N.D.C.C. sec. 1-01-49(24). North Dakota has no voter registration, so ask before they sign.
6. Each signer signs, prints their name, writes the address where they live and dates the line, in the circulator's presence. The address is a street or rural 911 address. A line showing only a post office box may not count: the 2013 Dunn County order excluded such lines (Dunn County District Court, Judge William Herauf). A rural route box draws the same objection. The same order excluded a few other addresses the judge questioned, such as a crew camp and an oil well location.
7. Each person signs once. A duplicate signature is struck.
8. The circulator who witnessed every signature on a sheet signs the circulator statement at its foot. No names are added to a sheet after the circulator signs.
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 court filings covers the petition as filed, not a flyer or post.

Filing day

1. Before filing, confirm that the count reaches 436 valid signatures, with duplicates struck. Do not count a line whose address is not where the signer lives, such as a post office box or a rural route box alone. If a signer signs again to give the address where they live, strike the earlier line.
2. Every signer line has a signature, a printed name, the address where the signer lives and a date. Every sheet is stapled behind a full copy of the petition and numbered on its "Sheet _____ of _____" line.
3. On the one copy filed as the verified petition, each verifier signs a verification block before a notary, who completes and dates the notary's certificate, the jurat, under that block. "Verified" means "sworn to before an officer authorized to administer oaths." N.D.C.C. sec. 1-01-49(36). Beneath the signature the verifier writes the "name, address, and telephone number" that N.D.R.Ct. 3.1(b) requires. The blocks stay blank on the copies that circulate. The verified petition, with each verifier's address and telephone number, becomes a public court record when filed.
4. Photocopy every page.
5. File the verified petition and every signature sheet together, at one time, with the Clerk of District Court, Nelson County Courthouse, 210 B Ave W, Suite 203, Lakota, ND 58344, and ask that the petition be presented to the district judge. N.D.C.C. secs. 29-10.1-02(3), 29-10.1-03. No statute sets a fee for filing the petition: the clerk's fees in N.D.C.C. sec. 27-05.2-03 are charged "in civil cases," and N.D.C.C. chapter 29-10.1, which sets no fee, is part of Title 29, "Judicial Procedure, Criminal."
6. Obtain a file-stamped copy.
7. More than one petitioner may file together, because N.D.C.C. chapter 29-10.1 names no single filer. Each petitioner who files signs a verification block, or a copy of one, before a notary, as item 3 describes.

After filing

1. On a conforming petition the judge "shall promptly summon and convene the grand jury." N.D.C.C. sec. 29-10.1-03. The statute sets no number of days, and the district judge decides whether the petition conforms before summoning.
2. No officer certifies the signatures: N.D.C.C. chapter 29-10.1 names none. The state's attorney cannot reject the petition but may point out a defect to the judge, as may an opposing lawyer.
3. In Dunn County the judge counted qualified signers, excluded post office box addresses, checked the verification and ruled on venue, the county where the offenses may be tried. Both petitions were dismissed on venue, and the 2013 petition also failed on signer qualification and verification (Dunn County District Court, Judge William Herauf). The judge's exclusions left the 2013 petition with 156 qualifying signatures of the 267 filed, against 205 required. Part V of the petition gives the grounds for venue in Nelson County.

4. Any challenge comes before summoning. Once the grand jury is summoned, its formation may not be invalidated because a petitioner was not a qualified elector or the petition was short of the required signatures. N.D.C.C. sec. 29-10.1-04.
5. A dismissal ends that petition and decides nobody's guilt. Nothing in N.D.C.C. chapter 29-10.1 bars a new petition.

Grand jury

1. The judge directs the grand jury to convene by a written order filed with the clerk. N.D.C.C. sec. 29-10.1-02. The grand jury has eight to eleven members from the county. N.D.C.C. sec. 29-10.1-01.
2. A session may last up to ten calendar days, not counting "Saturdays, legal holidays, and days in recess," unless the judge extends the session by written order. N.D.C.C. sec. 29-10.1-04.
3. The state's attorney advises the grand jurors on their duties when they ask. N.D.C.C. sec. 29-10.1-29.
4. The grand jury inquires into offenses alleged to have been committed within the county, and it can subpoena witnesses and records anywhere in North Dakota. N.D.C.C. secs. 29-10.1-19, 29-10.1-21. An indictment requires at least six grand jurors to concur. N.D.C.C. sec. 29-10.1-34.

Time limits

1. N.D.C.C. chapter 29-10.1 sets no deadline for gathering signatures, and signatures do not expire.
2. Computer crime, N.D.C.C. sec. 12.1-06.1-08(2), is a class A misdemeanor, and the section sets no dollar tiers. Prosecution of a misdemeanor must be commenced within two years after its commission. N.D.C.C. sec. 29-04-03. The earliest act alleged was in March 2025.
3. No time counts toward that two-year limit while a defendant is not an inhabitant of, or usually resident within, North Dakota. N.D.C.C. sec. 29-04-04.
4. Unauthorized use of personal identifying information under N.D.C.C. sec. 12.1-23-11(3) is a crime "regardless of whether there is any actual economic loss to the individual," and a first offense is a class A misdemeanor. Prosecution must be commenced within six years after the victim discovers the facts constituting the violation. N.D.C.C. sec. 12.1-23-11(5).
5. A prosecution begins with charges or a grand jury indictment, not with the petition. N.D.C.C. sec. 29-04-05. Filing soon after the count reaches the number leaves the grand jury the most time.

Objections you may hear

1. **Isn't this federal?** The agency's computers are federal, but the state and federal governments are separate sovereigns, and each may enforce its own criminal law. *Gamble v. United States*, 587 U.S. 678 (2019). The petition asks whether North Dakota's computer-crime and identity statutes reach the handling of Nelson County residents' records, and it alleges no federal offense.
2. **Aren't federal officers immune?** 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). That defense comes later, if anyone is charged, and it does not stop the grand jury from sitting.
3. **Didn't this happen outside North Dakota?** When the acts or effects that make up or complete an offense occur in two or more counties, any of them has jurisdiction. N.D.C.C. sec. 29-03-04. The petition pleads such effects where affected residents live, including Nelson County, and the United States Supreme Court recognized in *Strassheim v. Daily*, 221 U.S. 280, 285 (1911), that acts done outside a jurisdiction and intended to produce, and producing, detrimental effects within it justify punishment there. The petition also answers N.D.C.C. secs. 29-03-01 and 29-03-01.1, on offenses begun outside the state: it pleads that the offenses, if committed, were consummated in North Dakota, where their effects fell, and that neither section displaces N.D.C.C. sec. 29-03-04.
4. **Where is the harm?** Neither offense pleaded requires a dollar loss. N.D.C.C. secs. 12.1-06.1-08(2), 12.1-23-11(3). The petition alleges, on information and belief, that Nelson County residents' records

were among the data shared or copied, and finding out what happened to those records is the grand jury's work.

A prosecutor's decision not to bring a case does not stop a citizen petition. The court decides whether to convene the grand jury. N.D.C.C. secs. 29-10.1-02(3), 29-10.1-03.

What the filer does after filing

1. Attend any hearing the judge sets, though N.D.C.C. chapter 29-10.1 prescribes none and gives the petitioners no required role after filing.
2. N.D.C.C. chapter 29-10.1 requires no testimony from petitioners, though the grand jury can subpoena any witness within the state, petitioners included. N.D.C.C. sec. 29-10.1-19.
3. Petitioners do not present evidence or question witnesses. Only witnesses under examination and the officials that N.D.C.C. sec. 29-10.1-28 lists may be present at a session.
4. The state pays all necessary expenses of the grand jury. N.D.C.C. sec. 29-10.1-18. The petitioners pay none of those expenses, whatever the outcome.

Can I stop?

Yes. N.D.C.C. chapter 29-10.1 sets no deadline for gathering signatures and imposes no duty to file, and nothing in the chapter penalizes a petitioner who stops collecting or never files. The chapter has no step for withdrawing a filed petition, but it gives petitioners no required role after filing and sets no penalty for a petitioner who steps back. If you stop before filing, keep the signed sheets 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 N.D.C.C. chapter 29-10.1, and petitioners commonly go through this process without one.