

**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 of Social Security Administration data through a third-party server not approved to hold that data and outside the agency's security protocols; the copying of Numident data into a cloud environment that the agency's then Chief Data Officer described as lacking independent security controls; whether the data transmitted or copied included records containing personal identifying information of Nelson County residents; and any disclosure or attempted disclosure of Social Security Administration 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, and of each person who has had access to that data.
3. The present location of that data and whether it still exists on any third-party system.
4. The Voter Data Agreement signed in March 2025 by a member of the Social Security Administration's DOGE Team in his capacity as an agency employee, including 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.
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 that authorization.
6. The copy of the Numident hosted in a cloud environment described in the whistleblower disclosure of August 26, 2025, the security controls applied to that environment, the identity of every person who had access to it, and whether records of Nelson County residents in it were accessed, copied, disclosed, or retained.
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 the Numident, is the Social Security Administration's master file of all assigned Social Security numbers. (Social Security Administration Office of the Inspector General, Audit Report A-06-16-50069.) Data elements on a Numident record include "name, date and place of birth, parents' names, and date of death."

(Social Security Bulletin, Vol. 69, No. 1 (2009).) The Social Security Administration reports that 548.3 million different Social Security numbers had been issued as of early August 2025. (Social Security Administration, Social Security History FAQ.)

2. Nelson County, North Dakota has a population of approximately 3,000. (United States Census Bureau.) Each of its residents who has been issued a Social Security number has a record in the Numident. (Audit Report A-06-16-50069.)

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, AFL-CIO 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. 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. 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.)

7. The same filing states that in late December 2025 the Social Security Administration made two Hatch Act referrals to the U.S. Office of Special Counsel related to the activities described in Section V of that filing. (ECF No. 197, § V.)

8. 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.)

9. 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 Nelson 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.)

10. On March 10, 2026, the plaintiffs in the Maryland 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 in his work at a private-sector employer. (ECF No. 208, plaintiffs' notice of reported allegations.)

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. Justice Kagan "would deny the application," and Justice Jackson, joined by Justice Sotomayor, dissented. On April 10, 2026, in the same en banc appeal, the Court of Appeals for the Fourth Circuit vacated the injunction and remanded. (Federal court record.)

12. 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 was shared through a server not approved to hold it and outside agency security protocols, and that the agency "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.) Nelson County residents' records cannot be excluded from that data.

13. On information and belief, based on the facts set out above, the records of Nelson 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 Nelson County to determine.

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. 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.

N.D.C.C. secs. 29-04-03 and 29-04-04: a prosecution of a misdemeanor must be commenced within two years after its commission, and "[n]o time during which the defendant is not an inhabitant of, or usually resident within, this state is part of the limitation."

V. VENUE

Venue lies in Nelson County under N.D.C.C. sec. 29-03-04, which provides in full: "When a crime or public offense is committed in part in one county and in part in another, or when the acts or effects thereof constituting, or requisite to the consummation of, the offense occur in two or more counties, the jurisdiction is in either or any of said counties."

The offenses into which this petition asks the grand jury to inquire take effect where the people whose information is taken or used live. The identity offense requires the use of an individual's personal identifying information "without the authorization or consent of the individual."

N.D.C.C. sec. 12.1-23-11(3). The computer offense includes gaining access to, copying, disclosing, or taking possession of data without authorization. N.D.C.C. sec. 12.1-06.1-08(2). On information and belief, as alleged in paragraphs 9 and 13 of Part III, the data at issue include records of Nelson County residents. For the same reasons they include records of residents of the other counties of North Dakota. The effects constituting, or requisite to the consummation of, those offenses therefore occurred where those residents live, in Nelson County and in other North Dakota counties. Because the effects occurred in two or more counties, jurisdiction is in any of them, including Nelson County.

The identity statute itself provides for violations "in more than one county involving either one or more victims or the commission of acts constituting an element of the offense," and permits the offenses to be "consolidated for commencement of prosecution in any county where one of the offenses was committed." N.D.C.C. sec. 12.1-23-11(6). Each violation involving the

identifying information of a Nelson County resident is an offense committed in Nelson County, where that resident lives.

N.D.C.C. secs. 29-03-01 and 29-03-01.1 do not defeat venue. Section 29-03-01 provides: "When the commission of a public offense, commenced without this state, is consummated within its boundaries, and the defendant is liable to prosecution as provided in section 29-03-01.1, the venue is in the county in which the offense is consummated, or in which the offenders are apprehended." Section 29-03-01.1 makes a person liable to prosecution for four listed kinds of conduct begun outside North Dakota. Neither section provides that an offense consummated within North Dakota may be prosecuted only in those four cases, and neither displaces section 29-03-04. The offenses alleged here, if committed, were consummated within North Dakota, in the counties where their effects fell on North Dakota residents. Section 29-03-04 places jurisdiction in any of those counties, and the county of consummation is also the county that section 29-03-01 names for the offenses it covers. "Acts done outside a jurisdiction, but intended to produce and producing detrimental effects within it, justify a state in punishing the cause of the harm as if he had been present at the effect" *Strassheim v. Daily*, 221 U.S. 280, 285 (1911).

The petitioners do not rely on N.D.C.C. sec. 12.1-23-12. That section provides that, "[n]otwithstanding section 29-03-01.1, a person who, while outside this state and by use of deception, obtains, deprives, or conspires, solicits, or attempts to obtain the property of a person within this state or to deprive the person of property is subject to prosecution under this chapter in the courts of this state." Section 12.1-23-12 confers jurisdiction over one class of offenses committed by deception from outside the state, and it does not mention or limit section 29-03-04. The offenses alleged here are consummated within North Dakota. Venue rests on chapter 29-03,

read with N.D.C.C. sec. 12.1-23-11(6). 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

Each of the undersigned petitioners, being first duly sworn, states: I am a qualified elector of Nelson County, North Dakota. I signed this petition. On information and belief, the statements in this petition are true.

Petitioner 1. Signature: _____

Printed name: _____ Telephone: _____

Address where I live: _____

State of North Dakota, County of _____. Signed and sworn to (or affirmed)

before me on _____, 20____, by _____ (name of petitioner).

_____ Notary Public

My commission expires: _____

(Notary stamp)

Petitioner 2. Signature: _____

Printed name: _____ Telephone: _____

Address where I live: _____

State of North Dakota, County of _____. Signed and sworn to (or affirmed)

before me on _____, 20____, by _____ (name
of petitioner).

_____ Notary Public

My commission expires: _____

(Notary stamp)

Petitioner 3. Signature: _____

Printed name: _____ Telephone: _____

Address where I live: _____

State of North Dakota, County of _____. Signed and sworn to (or affirmed)

before me on _____, 20____, by _____ (name
of petitioner).

_____ Notary Public

My commission expires: _____

(Notary stamp)

Signature sheets of qualified electors of Nelson County are attached.

PETITION FOR A GRAND JURY, NELSON COUNTY, NORTH DAKOTA
SIGNATURE SHEET

THE FULL PETITION TEXT IS ATTACHED TO AND ACCOMPANIES THIS SHEET.
DO NOT CIRCULATE THIS SHEET WITHOUT THE PETITION TEXT.

Each signer must be a qualified elector of Nelson County: a United States citizen, 18 or older, who lives in Nelson County. Print clearly. Write the address where you live, as a street address or rural 911 address, not a post office box or rural route box. This sheet is filed with the Clerk of District Court and becomes a public court record.

#	Signature	Printed name	Address where you live (street or rural 911 address, not a P.O. box or rural route box)	Date
1				
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CIRCULATOR STATEMENT

I circulated this sheet with the full petition text attached. I witnessed each signature. To the best of my knowledge each signer is a qualified elector of Nelson County.

Circulator name: _____

Circulator address: _____

Signature: _____ Date: _____

North Dakota sets no collection deadline and prescribes no form for this sheet. These fields follow the state's general petition conventions so that each signature can be checked and defended. Sheet _____ of _____.