

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

In the Matter of a Citizen Petition to Convene a Grand Jury Under Article II, Section 14 of the Constitution of New Mexico

No. _____ (assigned by the Clerk)

PETITION TO CONVENE A GRAND JURY

The undersigned registered voters of Santa Fe County, New Mexico, petition the First Judicial District Court to order a grand jury convened in Santa Fe County, or to submit the matters set out below to a grand jury already convened in the county, to inquire into the violations of law described in this petition.

Person filing this petition

Name: _____

Mailing address for court notices: _____

Phone: _____ Email: _____

1. Authority

1.1. Article II, Section 14 of the Constitution of New Mexico provides that "a grand jury shall be ordered to convene by such judge upon the filing of a petition therefor signed by not less than the greater of two hundred registered voters or two percent of the registered voters of the county."

1.2. Rule 5-302.3 NMRA, as amended effective December 31, 2023, requires the district court to make "both a factual determination that a citizen petition to convene a grand jury meets the procedural requirements of Article II, Section 14 and a legal determination that the petition seeks a legitimate inquiry into alleged criminal conduct or malfeasance proscribed by state law." Rule 5-302.3(B) NMRA. When the petition meets both, "the court shall convene a grand jury," or submit the matter to one already convened, and "shall direct the grand jury to make inquiry into all potential violations of law described in the petition that the judge determines are proper subjects of grand jury investigation." Rule 5-302.3(F) NMRA.

1.3. The petition "must identify with reasonable specificity the alleged criminal conduct or unlawful malfeasance to be investigated," and the court determines "whether the petition seeks to investigate conduct that lies within the permissible scope of grand jury inquiry."

Rule 5-302.3(B)(2) NMRA; see *Pino v. Rich*, 1994-NMSC-105, ¶ 3, 118 N.M. 426, 882 P.2d 17. "A district court judge must determine the legality of a petition to convene a grand jury by deciding whether the petition on its face delimit[s] an area of inquiry that colorably lies within the permissible scope of grand jury inquiry." *Convisser v. Ecovercity*, 2013-NMSC-039 (citing *Pino*, 1994-NMSC-105, ¶ 3). The petition "need not name persons specifically, because grand juries investigate crimes or acts of malfeasance, not people." *District Court of the Second Judicial District v. McKenna*, 1994-NMSC-102, ¶ 11, 118 N.M. 402, 881 P.2d 1387. The judge "is not to inquire into the motives behind the filing of the petition." *McKenna*, 1994-NMSC-102.

1.4. This petition meets that test. It does not ask a grand jury to review a public-health order or any other lawful official act. It identifies specific conduct of two kinds. The first is the sharing of Social Security Administration data through a third-party server that, as the United States has told a federal court, is not approved for storing the agency's data and, when used in that manner, is outside the agency's security protocols. The second is the copying of the agency's Numident data into a cloud environment lacking independent security controls, described in the whistleblower disclosure set out in paragraph 5.6. On information and belief, the records of Santa Fe County residents were among the data shared through that server or copied into that cloud environment. The petition asks the grand jury to inquire whether that conduct, or any transfer of residents' identifying information to or for the political advocacy group described in paragraph 5.4, violated Section 30-45-5 NMSA 1978 or Section 30-16-24.1 NMSA 1978. If the conduct occurred as alleged, it would warrant a true bill of indictment. The petition names no defendant.

2. Subject matter of the inquiry

The subject matter of the inquiry is the conduct of the persons who, from January 2025 to the present, carried out duties at the Social Security Administration for the Department of Government Efficiency (the "SSA DOGE Team"), and any of their subordinates and other affiliated persons, in copying, transferring, retaining, and disclosing records held in Social Security Administration computer systems, including, on information and belief, records containing personal identifying information of residents of Santa Fe County, New Mexico, through a third-party server not approved to hold that data and outside the agency's security protocols or into a cloud environment lacking independent security controls, and in any disclosure or attempted disclosure of such records to a political advocacy group.

3. Areas of inquiry

3.1. The transfer of Social Security Administration data through the third-party service Cloudflare between March 7, 2025 and March 17, 2025, and whether records of Santa Fe County residents were among the data transferred.

3.2. The identity of each person who transferred, requested, approved, or supervised that transfer.

3.3. The present location of that data and whether it still exists on any third-party system.

3.4. Each person who has had access to that data since March 7, 2025.

3.5. The copying of Numident data into the cloud environment described in paragraph 5.6, whether records of Santa Fe County residents were in that copy, each person who requested, approved, created, or had access to that environment, and whether that copy or any other copy still exists.

3.6. The "Voter Data Agreement" signed in March 2025 by a member of the SSA DOGE Team with a political advocacy group that had asked two members of that team to analyze state voter rolls the group had acquired, and the identity of that group.

3.7. Whether any Social Security Administration data was matched against, or disclosed for matching against, any state voter roll, including New Mexico's.

3.8. Whether the personal identifying information of Santa Fe County residents was obtained, recorded or transferred without their authorization or consent and with intent to defraud, and by whom.

3.9. The value of the damage to the computer property and computer services involved, including the cost of determining what data was shared and any cost to Santa Fe County residents of protecting their credit and accounts from misuse of their Social Security numbers.

4. Violations of New Mexico law

The grand jury is asked to inquire into whether the persons described in paragraph 2 committed the following offenses under the laws of New Mexico.

Count 1. Unauthorized computer use, Section 30-45-5 NMSA 1978: knowingly and willfully, having obtained authorization, using the opportunity the authorization provides for purposes to which the authorization does not extend, and directly or indirectly accessing, using, taking, transferring, obtaining, copying, or retaining possession of computer property, namely data held

in Social Security Administration computer systems, where the damage to the computer property or computer service has a value of more than twenty thousand dollars (\$20,000), a second degree felony under Subsection E, or in the alternative a lesser value stated in Subsections C or D.

Count 2, in the alternative. Unauthorized computer use, Section 30-45-5 NMSA 1978: knowingly, willfully, and without authorization directly or indirectly accessing, using, taking, transferring, obtaining, copying, or retaining possession of the same computer property, at the same values.

"Computer property" includes "data, databases," and "copies, whether tangible or intangible, and data while in transit." Section 30-45-2(E) NMSA 1978.

Count 3. Theft of identity, Section 30-16-24.1(A) NMSA 1978: "willfully obtaining, recording or transferring personal identifying information of another person without the authorization or consent of that person and with the intent to defraud that person or another or with the intent to sell or distribute the information to another for an illegal purpose," namely the personal identifying information of Santa Fe County residents held by the Social Security Administration, a fourth degree felony under Subsection D.

"Personal identifying information" means "information that alone or in conjunction with other information identifies a person, including the person's name, address, telephone number, driver's license number, social security number, date of birth" and other listed information. Section 30-16-24.1(C)(2) NMSA 1978. Prosecution under that section "shall not prevent prosecution pursuant to any other provision of the law when the conduct also constitutes a violation of that other provision." Section 30-16-24.1(F) NMSA 1978.

5. General allegations

The allegations below rest on federal court records, led by the Notice of Corrections to the Record filed by the United States Department of Justice on January 16, 2026, in American Federation of State, County and Municipal Employees, AFL-CIO v. Social Security Administration, No. 1:25-cv-00596-ELH (D. Md.), ECF No. 197 (the "Notice of Corrections"), and on a whistleblower disclosure. Paragraph 5.6 rests on that disclosure and on a Social Security Administration Inspector General audit report. Allegations made on information and belief say so.

5.1. Between March 7, 2025 and March 17, 2025, members of the SSA DOGE Team shared Social Security Administration data through Cloudflare, a third-party server that was not approved for storing Social Security Administration data. Notice of Corrections § VI, at 6.

5.2. That sharing was outside the Social Security Administration's security protocols. Notice of Corrections § VI, at 6.

5.3. 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." Notice of Corrections § VI, at 6.

5.4. 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. Notice of Corrections § V, at 5 and n.1.

5.5. 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 federal 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.

5.6. 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 Santa Fe 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.

5.7. On information and belief, based on the facts set out above, the records of Santa Fe 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 Santa Fe County to determine.

5.8. On information and belief, the damage to the computer property and computer services involved, including the cost of determining what data was shared and of protecting the persons whose records were exposed, has a value of more than twenty thousand dollars (\$20,000). On information and belief, that damage includes the cost of protecting the Santa Fe County residents whose records were exposed. Residents whose Social Security numbers are exposed bear that cost where they live, in the time and money they spend protecting their credit and accounts from misuse of those numbers, so it is a cost incurred in Santa Fe County.

5.9. On information and belief, members of the SSA DOGE Team willfully obtained, recorded or transferred the personal identifying information of Santa Fe County residents held by the Social Security Administration, including their names and Social Security numbers, without the authorization or consent of those residents, when they shared agency data through the third-party server and copied Numident data into the cloud environment described above. On information

and belief, members of the SSA DOGE Team obtained or transferred that information, in whole or in part, for the political advocacy group described in paragraph 5.4, to match it against the voter rolls the group had acquired, and did so with the intent to defraud those residents or another. That belief rests on these facts. The group made its request in March 2025, the same month DOGE Team members were using links to share data through the third-party server, and the agency has not been able to determine exactly what data were shared there. Email communications reviewed by the agency "suggest that DOGE Team members could have been asked to assist the advocacy group by accessing SSA data to match to the voter rolls." The Notice of Corrections reports the group's stated aim as "to find evidence of voter fraud and to overturn election results in certain States." The opinion of Judge Heytens in the Fourth Circuit's en banc decision, joined on this point by Chief Judge Diaz and Judge Harris, read that filing as admitting that DOGE team members "may have agreed to share SSA data with a political advocacy group." The filing states that the Voter Data Agreement "was not reviewed or approved through the agency's data exchange procedures." And the agency "made two Hatch Act referrals to the U.S. Office of Special Counsel" related to those activities. Notice of Corrections § V, at 5-6 and n.1, and § VI, at 6; No. 25-1411, slip op. at 15-16 n.8 (opinion of Heytens, J.). Which residents' records were obtained or transferred for the group, and by whom, is what this petition asks a grand jury of Santa Fe County to determine.

6. Jurisdiction and venue

6.1. New Mexico has territorial jurisdiction over a crime committed outside the state that has a detrimental effect within New Mexico. "[I]f a crime has a detrimental effect in a state, that state has territorial jurisdiction to prosecute the perpetrator notwithstanding that the acts were committed entirely within another state." *State v. Allen*, 2014-NMCA-111, ¶ 16, 336 P.3d 1007, citing *Strassheim v. Daily*, 221 U.S. 280, 285 (1911). No statute is required for New Mexico to exercise that jurisdiction. *Allen*, ¶ 18.

6.2. In *Allen* the Court of Appeals held that New Mexico had territorial jurisdiction over a defendant whose acts all occurred outside New Mexico, because his use of a New Mexico resident's identifying information had its detrimental effect in New Mexico. *Allen*, ¶¶ 1-2, 16-19. The conduct alleged in this petition has its detrimental effect in New Mexico, on the Santa Fe County residents whose records were exposed. Paragraphs 5.7 to 5.9.

6.3. Section 30-1-14 NMSA 1978 provides that "[a]ll trials of crime shall be had in the county in which they were committed," and that "[i]n the event elements of the crime were committed in different counties, the trial may be had in any county in which a material element of the crime was committed." The value of the damage to the computer property or computer service is an element of the offense defined in Section 30-45-5 NMSA 1978, which grades the offense by that value in Subsections A through E. The damage alleged in paragraph 5.8 includes the cost of protecting the Santa Fe County residents whose records were exposed, a cost incurred in Santa Fe County. The offense under Section 30-45-5 is therefore triable in Santa Fe County, and the oath of a Santa Fe County grand jury covers "all public offenses against the people of this state, committed or triable within this county." Section 31-6-6(A)(1) NMSA 1978.

6.4. Theft of identity has its own venue provision. Under Section 30-16-24.1(G) NMSA 1978, theft of identity "shall be considered to have been committed in the county: (1) where the person whose identifying information was appropriated, obtained or sought resided at the time of the offense." The Court of Appeals applied that provision in *Allen* and explained that it "accomplishes a dual purpose. First, it establishes the proper county within New Mexico where the crime may be prosecuted (venue). Second, it sets forth a legislative determination that because the crime has an effect upon the victim in New Mexico, New Mexico has territorial jurisdiction over the offense, even if the acts are committed in another state." *Allen*, ¶ 19. On information and belief, the identifying information of Santa Fe County residents was obtained or transferred as alleged in paragraph 5.9, so the theft of identity alleged is considered to have been committed in Santa Fe County, where those residents resided at the time. Paragraphs 6.3 and 6.4 state independent grounds, and the court directs inquiry into each violation it determines is a proper subject of grand jury investigation. Rule 5-302.3(F) NMRA.

7. Further inquiry

The grand jury may further inquire into other violations of New Mexico law, by these or other persons, that arise as part of the same investigation.

8. Request

The person filing this petition requests that the court verify that this petition bears the signatures of not less than the greater of two hundred registered voters or two percent of the registered voters of Santa Fe County, and that it identifies with reasonable specificity the alleged criminal conduct to be investigated, and, upon those determinations, order a grand jury convened in

Santa Fe County, or submit these matters to a grand jury already convened in the county, and direct it to inquire into the violations of law described in this petition, as provided by Article II, Section 14 of the Constitution of New Mexico and Rule 5-302.3 NMRA.

Signature of person filing: _____ Date: _____

The signature pages that follow are part of this petition. Print as many copies of the signature page as needed.

PETITION TO CONVENE A GRAND JURY, SANTA FE COUNTY, NEW MEXICO

Article II, Section 14 of the Constitution of New Mexico

We, the undersigned registered voters of Santa Fe County, New Mexico, petition the First Judicial District Court to order a grand jury convened in Santa Fe County to inquire whether Social Security Administration records of Santa Fe County residents were shared through a third-party server between March 7 and March 17, 2025, or copied into a cloud environment lacking independent security controls, and whether that conduct, or any transfer of residents' identifying information to or for a political advocacy group, was unauthorized computer use under Section 30-45-5 NMSA 1978 or theft of identity under Section 30-16-24.1 NMSA 1978, as set out in the petition to which this page is attached.

Signature page _____ of _____. Do not separate this page from the petition.

Person filing: Name _____

Notice to signers: This page is filed with the First Judicial District Court and becomes part of the court file, which the public can read unless the court orders it sealed. Sign only if you are a registered voter of Santa Fe County. Sign once. Print your name as it appears on your voter registration and write the residence address at which you are registered to vote, so the County Clerk can verify your registration.

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Circulator statement: I witnessed each signature on this page.

Circulator name _____ Signature _____ Date _____