

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
	:	Criminal No. 24-
v.	:	
	:	52 U.S.C. § 20511(2)(A)
	:	18 U.S.C. § 2
	:	
MD HOSSAIN MORSHED	:	

**INFORMATION**

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

**(Fraudulent Procurement and Submission  
of Voter Registration Applications)**

1. At all times relevant to this Information:

a. Defendant MD Hossain Morshed (“MORSHED”) was a Councilperson who served on the City Council of Atlantic City, New Jersey, as a representative of the Fourth Ward. MORSHED was elected on or about November 5, 2019 to serve a four-year term.

**Voter Registration**

b. The 2019 election in Atlantic County included countywide races for the General Assembly (Second Legislative District), County Executive, Freeholder-at-Large,<sup>1</sup> and Freeholder District 1, as well as races in Atlantic City for

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<sup>1</sup> In 2020, New Jersey enacted legislation requiring the title of “chosen freeholder” to be changed to “county commissioner” and all “boards of chosen freeholders” to be changed to “boards of county commissioners.”

Councilpersons in Wards One through Six, and three seats on the Atlantic City Board of Education. A primary election was held on or about June 4, 2019, and a general election was held on or about November 5, 2019.

c. In order to vote in an election for federal, state, or local offices, New Jersey residents, including residents of Atlantic City, were required to register to vote with New Jersey's Division of Elections. A prospective voter registered to vote by completing a New Jersey Voter Registration Application (the "Voter Registration Application"), on which the prospective voter provided, among other information, their name, date-of-birth, home address, and last address at which the prospective voter was registered to vote. In addition, the Voter Registration Application required the prospective voter to declare under penalty of punishment that the prospective voter lived at the address written or typed into the form and further "resided in the State and county at least 30 days before the next election."

d. A prospective voter would submit the completed Voter Registration Application either online, or by mailing or hand-delivering it to the County Commissioner of Registration or Superintendent of Elections for the county in which the prospective voter resided.

e. If the prospective voter was unable to complete the Voter Registration Application on their own, the prospective voter could enlist another individual to assist the prospective voter in completing the Voter Registration Application. The name and address of the individual who assisted the prospective

voter to complete the Voter Registration Application was required to be printed on the Voter Registration Application.

f. Pursuant to New Jersey Statutes Annotated (N.J.S.A.) § 1:31-5, in order to lawfully register to vote in a particular voting district, a prospective voter was required, among other qualifications, to reside in the district in which the prospective voter intended to vote, and, at the time of the election, to have fulfilled all the requirements as to length of residence to qualify as a legal voter.

g. Further, according to N.J.S.A. § 1:31-5, once registered, the prospective voter was not required to register again in such district as long as the prospective voter continued to reside in that district. Regarding future elections, the prospective voter was eligible to vote in any election held subsequently to such registration, provided that the prospective voter was a citizen of the United States, was at least 18 years old, and was a resident of New Jersey and of the county in which the registration was filed for at least 30 days prior to the election.

h. In New Jersey, pursuant to N.J.S.A. § 19-34-1, it was a felony offense to willfully cause or procure the name of any person to be registered to vote, knowing that such person was not entitled to vote in an election district where such person was not entitled to vote in the next election to be held in that district.

#### *Mail-In Ballots*

i. Registered voters in New Jersey could apply to vote a ballot by mail by completing an Application for Vote-By-Mail Ballot (“Vote-By-Mail Application”) and returning the Vote-By-Mail-Application by mail or hand-delivery

to the County Clerk's Office in the registered voter's county of residence.

Alternatively, a registered voter could apply for a mail-in ballot by authorized messenger. Through that process, the registered voter would designate one authorized messenger by name on the Vote-By-Mail Application. That authorized messenger subsequently could deliver the completed Vote-By-Mail Application to the County Clerk's Office in the registered voter's county of residence on behalf of the registered voter.

j.       Thereafter, if the registered voter was approved to vote by mail, the authorized messenger could also obtain from the County Clerk's Office the mail-in ballot for the registered voter and then deliver that ballot to that voter. Once the registered voter completed the mail-in ballot, the authorized messenger could return it on behalf of the registered voter by placing it into a secure ballot drop box or delivering it in-person to the registered voter's county Board of Elections Office.

k.       If a registered voter did not designate an authorized messenger on their Vote-By-Mail Application, once the application was approved, the registered voter would receive a mail-in ballot in the mail. The registered voter would complete the mail-in ballot and return it by mailing it, placing it into a secure ballot drop box, or delivering it in-person to the registered voter's county Board of Elections Office.

l.       An authorized messenger was required either to be a family member of the registered voter or, in Atlantic County, a registered voter of Atlantic County. Before 2019, an individual could serve as an authorized messenger for no

more than three qualified voters per election. After 2019, an individual could be designated an authorized messenger for five qualified voters if they were immediate family members residing in the same household as the messenger.

**MORSHED's Falsification of Voter Registration and  
Mail-In Ballot Applications**

*MORSHED's Meetings with a Prospective Voter in or around April 2019*

2. In or around April 2019, MORSHED met with a prospective voter ("PV 1") in or around Atlantic City and provided PV 1 a Voter Registration Application which MORSHED asked PV 1 to sign in advance of the primary election to be held on or about June 4, 2019. Almost all the information on the application form had been completed prior to the time MORSHED handed it to PV 1 and asked for PV 1's signature. Only the registrant's New Jersey driver's license number and signature were blank. MORSHED asked PV 1 for PV 1's driver's license number and MORSHED wrote this number on the Voter Registration Application. Shortly thereafter, PV 1 signed the form. On or about April 29, 2019, the Atlantic County Superintendent of Elections received the Voter Registration Application signed by PV 1.

3. PV 1 never resided at the Atlantic City address written in the Home Address section of the Voter Registration Application (the "Atlantic City Address"), which address was located in Atlantic City's Fourth Ward. Instead, PV 1 resided in or around Galloway, New Jersey, at an address outside of the Atlantic City voting district.

4. In or around April 2019, MORSHED met with PV 1 again, this time, at PV 1's residence in or around Galloway. MORSHED asked PV 1 to sign a Vote-By-Mail Application that already was partially completed, including listing the Atlantic City Address as the "Address at which you are registered to vote." According to PV 1, PV 1 declined to sign the application and told MORSHED that the Atlantic City Address was not PV 1's residence and that PV 1 believed that it would be illegal for PV 1 to sign the form.

5. MORSHED visited PV 1's Galloway residence on approximately two other occasions in or around April 2019 to convince PV 1 to sign the Vote-By-Mail Application that listed the Atlantic City Address as PV 1's address at which PV 1 was registered to vote. According to PV 1, during one of these visits, MORSHED showed PV 1 a stack of Vote-By-Mail Applications that appeared to bear the signatures of other individuals and told PV 1 that it was legal for PV 1 to sign the Vote-By-Mail Application that MORSHED had provided to PV 1. MORSHED further told PV 1 that MORSHED owned the property located at the Atlantic City Address. During one of these visits, MORSHED told PV 1 that when MORSHED won election to the Atlantic City Council, MORSHED would get PV 1 a job in Atlantic City government. Following this conversation, PV 1 signed the Vote-By-Mail Application that falsely listed the Atlantic City Address as PV 1's address at which PV 1 was registered to vote. After PV 1 signed the Vote-By-Mail Application, MORSHED took it and said he would mail it for PV 1.

6. In addition to the Atlantic City Address, the Vote-By-Mail Application signed by PV 1 included another Atlantic City address (the “Second Atlantic City Address”) in another section of the form titled: “Mail my ballot to the following address.” The Second Atlantic City Address, which was also within Atlantic City’s Fourth Ward, was located near to, but was different from, the Atlantic City Address, and, like the Atlantic City Address, PV 1 never resided there.

7. As reflected in records maintained by the Atlantic County Superintendent of Elections Office, a mail-in ballot in the name of PV 1 was mailed to the Second Atlantic City Address on or about May 15, 2019. Less than two weeks later, on or about May 28, 2019, the Atlantic County Board of Elections received PV 1’s completed mail-in ballot, which was counted towards the primary election on or about June 17, 2019. According to PV 1, PV 1 did not receive, complete, or return the mail-in ballot.

8. MORSHED met with PV 1 on another occasion in or about June or July 2019 and asked PV 1 to complete a Voter Registration Application changing PV 1’s home address from the Atlantic City Address to PV 1’s correct residence in or around Galloway. PV 1 filled out a new Voter Registration Application listing PV 1’s correct residence in the section of the form titled: “Home Address” and listing the Atlantic City Address in the section of the form titled: “Last Address Registered to Vote.” PV 1 signed this form and handed it to MORSHED. On or about July 10, 2019, the Atlantic County Superintendent of Elections received this follow-up Voter Registration Application from PV 1.

Telephone Conversation Between MORSHED and PV 1 on or about August 11, 2022

9. On or about August 11, 2022, PV 1 spoke with MORSHED and informed MORSHED that law enforcement officers had visited PV 1's Galloway residence and told PV 1's family member that the law enforcement officers had questions about PV 1 "voting in Galloway and Atlantic City." In response, MORSHED told PV 1 that if PV 1 should be questioned again by law enforcement, PV 1 should say that in 2018 and the beginning of 2019, PV 1 resided in Atlantic City and did not change the address on PV 1's driver's license because the Atlantic City Address was PV 1's family member's house. MORSHED further told PV 1 to tell law enforcement that PV 1 was working in Atlantic City and had "a place in Atlantic City and some time I live in Atlantic City, some time I live in Galloway." MORSHED also told PV 1 to say that PV 1 lived part of the time in Atlantic City and the rest of the time in Galloway. All of these representations that MORSHED advised PV 1 to make to law enforcement would have been false. MORSHED assured PV 1 that PV 1 "can make a voter registration any place but it has to be that one place. You cannot do the voter registration in two places. . . . And this is one-hundred percent legal. This is nah nothing is illegal."

10. Although PV 1 did not receive the mail-in ballot delivered to the Second Atlantic City Address, during the course of the August 11, 2022 telephone conversation, MORSHED told PV 1 that if PV 1 were asked by law enforcement about the mailing of the completed ballot, PV 1 should tell law enforcement that PV 1 received the ballot, sealed the ballot, and subsequently mailed the completed



ballot. MORSHED reiterated to PV 1, “you are not doing anything wrong. Nothing will happen. Don’t worry whatever I tell you they gonna ask you the same question, you gonna give the answer.”

*Telephone Conversation Between MORSHED and PV 1 on or about August 29, 2022*

11. On or about August 29, 2022, PV 1 spoke to MORSHED again by telephone. PV 1 told MORSHED that law enforcement officers questioned PV 1 about the Atlantic City Address, the Second Atlantic City Address, and the voting forms MORSHED had earlier brought to PV 1 for PV 1 to sign. PV 1 further told MORSHED that the law enforcement officers had warned PV 1 that it was illegal for an individual to provide an address on a voter registration form if the individual did not actually live at the address indicated on the form. In response, MORSHED told PV 1: “no, no no, you can make your voter registration any place, but you have to pick the one place. . . . If anything, you just tell them . . . you filled out the application.” MORSHED asked PV 1 to meet him later that day in Atlantic City to discuss further PV 1’s concerns about the questions posed by law enforcement.

*In-Person Meeting Between MORSHED and PV 1 on or about August 29, 2022*

12. Several hours later, on or about August 29, 2022, PV 1 met with MORSHED in or around Atlantic City. PV 1 brought PV 1’s Voter Registration Application and Vote-By-Mail Application to this meeting. MORSHED and PV 1 reviewed these documents and MORSHED encouraged PV 1 to tell law enforcement during any subsequent conversations that might occur that PV 1 resided at the Second Atlantic City Address. Specifically, MORSHED told PV 1: “You was living

[street number for the Second Atlantic City Address] . . . this is empty house. . . .  
Um, this still it is empty. . . . This is my uncle house. . . . Yeah, empty, it still was  
empty, it is still empty. It, that's why I told you to come over there then I can show  
you brother. . . . you tell them listen, I make that I was living [at the Second  
Atlantic City Address].”

13. In response to MORSHED's instructions to provide the Second Atlantic City Address as PV 1's address to law enforcement, PV 1 told MORSHED that law enforcement ultimately would learn that PV 1 resided in Galloway. MORSHED responded: “It doesn't make any, any things. You number one, you can make the voter registration, you not registered any places. Anywhere. Alaska, Siberia, uh Margate, Longport, Atlantic City, Absecon, any places . . . Number one. And number two, this is for the mail-in ballot. Okay. This is for the mail, mail-in ballot form, you tell them I was living over there all the time. I do not stay at my house because my family living here. I had some problem with my wife, so sometimes I would stay this house.”

14. When PV 1 reminded MORSHED that PV 1 had only signed, not filled out, the Voter Registration Application and Vote-By-Mail Application, MORSHED responded: “don't say that this is not your writing. Then it's gonna raise more question . . . you gonna say, ‘I filled it out, everything. This is my address and I gave it [to] the election commission office and who's name is over there? I don't know anything. Ask the election commission.’ . . . You just tell them, if they come again, ‘listen, I filled out the application, I gave it to the election commission office, I


don't know after that anything. And they said, who's this person? Listen, listen man, I don't know anything, I drop at the election commission office.”

15. From on or about February 21, 2019 through on or about April 30, 2019, in the District of New Jersey and elsewhere, defendant

**MD HOSSAIN MORSHED,**

in an election for federal office, did knowingly and willfully deprive, defraud, and attempt to deprive and defraud the residents of the State of New Jersey of a fair and impartially conducted election process by the procurement and submission of voter registration applications that were known by defendant MORSHED to be materially false, fictitious, and fraudulent under the laws of the State of New Jersey in which the election was held.

In violation of Title 52, United States Code, Section 20511(2)(A) and Title 18, United States Code, Section 2.

  
PHILIP R. SELLINGER  
United States Attorney