

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS**

UNITED STATES OF AMERICA)	
)	
v.)	No. 4:12-CR-00230 KGB
)	
HUDSON HALLUM;)	
KENT HALLUM;)	
PHILLIP WAYNE CARTER; and)	18 U.S.C. § 371
SAM MALONE)	
)	

INFORMATION

THE ATTORNEY FOR THE UNITED STATES, ACTING UNDER AUTHORITY
CONFERRED BY 28 U.S.C. § 515 CHARGES THAT:

COUNT 1
(TRAVEL ACT CONSPIRACY)

A. Factual Background

1. On or about January 26, 2011, the state representative for District 54 of the Arkansas House of Representatives resigned his seat. Accordingly, a special primary election to fill the seat was scheduled to take place in April 2011. At the time, Arkansas District 54 included West Memphis, Marion, Earle, and Turrell, Arkansas, as well as other rural areas of Crittenden County, Arkansas.

2. Along with others, HUDSON HALLUM declared his candidacy as a Democrat in the special primary election. Because neither HUDSON HALLUM nor any other Democratic candidate obtained the required majority of votes in the April 20, 2011 special primary election, a special primary runoff election took place on May 10, 2011.

3. A special general election took place on July 12, 2011.

4. KENT HALLUM, father of HUDSON HALLUM, managed the finances and certain

logistics of his son's campaign for the District 54 seat, including the campaign's effort to solicit and secure votes cast by absentee ballot (hereinafter more fully described and referred to as "the HALLUM campaign's absentee ballot strategy").

5. PHILLIP WAYNE CARTER, a West Memphis City Councilman and Crittenden County Juvenile Probation Officer with prior campaign experience, was recruited by HUDSON HALLUM to implement the HALLUM campaign's absentee ballot strategy. PHILLIP WAYNE CARTER had previously used the same absentee ballot strategy in other state and federal elections on behalf of other candidates.

6. In order to assist him in implementing the HALLUM campaign's absentee ballot strategy, PHILLIP WAYNE CARTER organized a group of other individuals, which included SAM MALONE, a West Memphis policeman, Crittenden County Quorum Court member, and Crittenden County School Board member.

7. The HALLUM campaign's absentee ballot strategy involved identifying persons known to have voted by absentee ballot in past elections and identifying persons who were likely to vote in the 2011 District 54 special primary and special general election by absentee ballot. In furtherance of these goals, HUDSON HALLUM, KENT HALLUM, PHILLIP WAYNE CARTER, and SAM MALONE coordinated with one another and with the Crittenden County Clerk's Office personnel to:

- (a) obtain and submit applications for absentee ballots on behalf of applicants;
- (b) track the mailing of absentee ballots by the Crittenden County Clerk's Office;
- (c) track the applicants' receipt of absentee ballots when delivered through the mail;
- and
- (d) track the return of the ballots by mail to the Crittenden County Clerk's Office.

8. Arkansas law restricts the number of absentee ballots that an individual can possess at one time. For example, a designated bearer is a person who is designated to possess no more than two absentee ballots at a time under specific circumstances. Arkansas law also provides that if a person possesses more than ten absentee ballots at a time, that person is presumptively engaged in absentee ballot voter fraud. Arkansas law makes it a felony to bribe any voter in exchange for his or her vote.

9. The District 54 special primary election runoff was held on May 10, 2011. During that election, HUDSON HALLUM received a total of 890 votes, with 394 of those votes having been cast by absentee ballot. HUDSON HALLUM's opponent received a total of 882 votes, with 67 of those votes having been cast by absentee ballot. As a result, HUDSON HALLUM was certified as the winner of the special primary election runoff by 8 votes.

10. The District 54 special general election was held on July 12, 2011. During that election, HUDSON HALLUM received a total of 1,009 votes, with 384 of those votes having been cast by absentee ballot. HUDSON HALLUM was subsequently certified as the winner of the House District 54 special election.

B. Object of the Conspiracy

1. The object of the conspiracy was to ensure the election of HUDSON HALLUM as the state representative for District 54 by, among other means, bribery of absentee ballot voters and the use of the United States Mail.

C. The Charge

From in or about February 2011 through in or about July 2011, in the Eastern District of Arkansas, the defendants,

HUDSON HALLUM,
KENT HALLUM,
PHILLIP WAYNE CARTER, and
SAM MALONE

knowingly and intentionally conspired with one another with intent to facilitate the promotion, management, and carrying on of any unlawful activity, that is, the bribery of voters from District 54 by offering and paying money and goods to influence their votes in violation of Arkansas Code Annotated, Section 7-1-104(a)(4), and in doing so, used the United States Mail. The defendants thereafter performed and attempted to perform an act to facilitate the promotion, management, and carrying on of such unlawful activity, in violation of Title 18, United States Code, Section 1952 (a)(3).

D. Means and Manner of the Conspiracy

1. As part of the conspiracy, HUDSON HALLUM and KENT HALLUM tasked PHILLIP WAYNE CARTER, SAM MALONE and others with identifying absentee ballot voters within certain geographic areas. These geographic areas were then divided among PHILLIP WAYNE CARTER, SAM MALONE, and others. Each of the coconspirators was responsible for obtaining absentee ballot votes in favor of HUDSON HALLUM from their assigned areas.

2. As a further part of the conspiracy, PHILLIP WAYNE CARTER and SAM MALONE obtained absentee ballot applications from the Crittenden County Clerk's Office and distributed the absentee ballot applications to particular voters for completion, providing

assistance to the voter if necessary. The coconspirators retained copies of the completed absentee ballot applications, but delivered the original absentee ballot applications to the Crittenden County Clerk's Office through the United States Mail and other means of delivery.

3. As a further part of the conspiracy, the coconspirators maintained contact with the Crittenden County Clerk's Office on a routine basis to track when the absentee ballots were mailed out to identified voters.

4. As a further part of the conspiracy, the coconspirators made contact with recipients of the absentee ballots that had been mailed by the Crittenden County Clerk's Office. This contact included offers by the coconspirators to assist the voters in completing the absentee ballots, and actually completing absentee ballots in some instances without regard to the voter's actual candidate choice.

5. As a further part of the conspiracy, once the absentee ballots were completed, the ballots were typically placed in unsealed envelopes and delivered by PHILLIP WAYNE CARTER, SAM MALONE and others to either HUDSON HALLUM or KENT HALLUM for inspection to ensure that the absentee ballot votes had, in fact, been cast for HUDSON HALLUM. After inspection by HUDSON HALLUM or KENT HALLUM, the absentee ballots that contained votes for HUDSON HALLUM were sealed and mailed to the Crittenden County Clerk's Office. If a ballot contained a vote for HUDSON HALLUM's opponent, it was destroyed.

6. As a further part of the conspiracy, some absentee ballot voters received things of value from the coconspirators in exchange for their votes being cast for HUDSON HALLUM.

7. As a further part of the conspiracy, the coconspirators would routinely contact the Crittenden County Clerk's Office to inquire about and ensure absentee ballots that had been completed and marked for HUDSON HALLUM were, in fact, received by the Crittenden County Clerk's Office.

8. As a further part of the conspiracy, the coconspirators undertook various efforts to conceal their activities. For example, at times, the coconspirators used rental cars furnished by HUDSON HALLUM and KENT HALLUM when collecting absentee ballots in areas throughout Crittenden County. As another example, when mailing absentee ballots, coconspirators would deposit absentee ballots in mailboxes outside a post office instead of taking the ballots into the post office, thereby avoiding being seen in possession of more than 10 absentee ballots at a time. Additionally, when discussing absentee ballots, the coconspirators used coded language when referring to absentee ballots by using such words as "gold tokens," "duct work," and "watermelons."

9. As a further part of the conspiracy, PHILLIP WAYNE CARTER and SAM MALONE were paid by the HALLUM campaign for their efforts in connection with the HALLUM campaign's absentee ballot strategy. Such compensation included the payment of money, but also included other non-monetary compensation not publicly declared in HALLUM campaign election reports as required by state law.

E. Overt Acts In Furtherance of the Conspiracy

In furtherance of the conspiracy and to effectuate the objects thereof, one or more of the following overt acts was committed in the Eastern District of Arkansas:

1. On May 3, 2011, KENT HALLUM instructed PHILLIP WAYNE CARTER to bring absentee ballots to KENT HALLUM'S home.

2. On or about May 3, 2011, PHILLIP WAYNE CARTER brought absentee ballots to KENT HALLUM'S home.

3. On or about May 4, 2011, PHILLIP WAYNE CARTER contacted HUDSON HALLUM about a family of eight who had requested a "family meal" in exchange for their absentee ballot votes being cast in favor of HUDSON HALLUM. PHILLIP WAYNE CARTER requested \$20 from HUDSON HALLUM to pay for the food, to which request HUDSON HALLUM agreed.

4. On or about May 5, 2011, KENT HALLUM deposited 67 absentee ballots in the mailbox outside the Marion, Arkansas post office for mailing to the Crittenden County Circuit Clerk's Office.

5. On or about May 5, 2011, PHILLIP WAYNE CARTER notified HUDSON HALLUM that some absentee ballot voters were "holding on" to their absentee ballots because they needed money for food. HUDSON HALLUM instructed PHILLIP WAYNE CARTER to obtain money for the absentee voters from KENT HALLUM. HUDSON HALLUM further told PHILLIP WAYNE CARTER that \$20 to \$40 was too much to pay for one vote, but that this amount was acceptable to pay for the votes of multiple members of a household.

6. On or about May 5, 2011, PHILLIP WAYNE CARTER and HUDSON HALLUM discussed how many votes HUDSON HALLUM had received that day in early voting for the special primary runoff election. PHILLIP WAYNE CARTER and HUDSON HALLUM further discussed the HALLUM campaign's absentee ballot strategy relative to two Crittenden County towns. During this conversation, HUDSON HALLUM told PHILLIP WAYNE CARTER, "We need to use that black limo and buy a couple of cases of some cheap vodka and whiskey to get people to vote."

7. On or about May 7, 2011, PHILLIP WAYNE CARTER and KENT HALLUM spoke with an individual in Memphis, Tennessee about getting a discounted price for the purchase of 100 half pints of vodka for the campaign. A price of \$200 was agreed upon and it was further agreed that KENT HALLUM could obtain the vodka on the Monday before the special primary runoff election.

8. In or about May 2011, KENT HALLUM provided money to PHILLIP WAYNE CARTER so that PHILLIP WAYNE CARTER and SAM MALONE could buy a chicken dinner for an individual known to the Attorney for the United States in exchange for the absentee ballot votes of that individual and one other individual.

9. In or about May 2011, PHILLIP WAYNE CARTER and SAM MALONE provided a chicken dinner to the individual referenced in the preceding paragraph in exchange for the absentee ballot votes of that individual and one other individual.

10. In or about May 2011, PHILLIP WAYNE CARTER arranged with KENT HALLUM to pick up "bait" (referring to money) to "finish the mission in West Memphis."

11. In or about May 2011, PHILLIP WAYNE CARTER discussed with another individual known to the Attorney for the United States the mailing of absentee ballots collected on behalf of HUDSON HALLUM from Memphis, Tennessee to the Crittenden County Clerk's Office so that the ballots would be received more quickly than if mailed locally, and to ensure that the ballots would be received by the Clerk's office prior to a deadline for receipt of such ballots.

12. In or about May 2011, KENT HALLUM directed the other coconspirators to transport absentee ballot voters to a hearing before the Crittenden County Election Commission to affirm that their absentee ballots had been cast for HUDSON HALLUM in the special primary

runoff election. KENT HALLUM further instructed the other conspirators to pay \$25 to each of the absentee ballot voters that appeared before the Crittenden County Election Commission.

13. On or about May 22, 2011, PHILLIP WAYNE CARTER discussed the HALLUM campaign's absentee ballot strategy with an individual known to the Attorney for the United States and stated, "Folk gonna vote for whoever pay them."

14. On or about June 10, 2011, as part of their daily tracking activities using information from the Crittenden County Clerk's Office, PHILLIP WAYNE CARTER and HUDSON HALLUM discussed that 265 absentee ballots had been mailed out by the Crittenden County Clerk's Office for the upcoming general election. HUDSON HALLUM inquired of PHILLIP WAYNE CARTER how many of the ballots PHILLIP WAYNE CARTER thought were "ours," to which PHILLIP WAYNE CARTER replied, "About 240."

All in violation of Title 18, United States Code, Section 371.

JANE W. DUKE
ATTORNEY FOR THE UNITED STATES,
ACTING UNDER AUTHORITY CONFERRED
BY 28 U.S.C. § 515

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