



U.S. Department of Justice

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Authority Conferred by
28 U.S.C. § 515
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FOUR CRITTENDEN COUNTY MEN CHARGED
WITH CONSPIRACY TO COMMIT ELECTION FRAUD
State Legislator and Three Others Enter Guilty Pleas

Little Rock - Jane W. Duke, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, and Federal Bureau of Investigation Special Agent in Charge Randall C. Coleman announced the waiver of indictment and filing of a felony information charging four Crittenden County men with conspiracy to commit election fraud. This is the first known use of the Travel Act to bring charges for vote-buying in a purely local election.

The individuals charged include Hudson Hallum, State Representative for District 54; his father, Kent Hallum; West Memphis City Councilman Phillip Wayne Carter; and West Memphis Police Officer Sam Malone. In addition to waiving indictment, the defendants entered guilty pleas to the charge contained in the information. In doing so, each acknowledged his participation in a conspiracy to bribe voters to influence absentee votes in the Arkansas District 54 primary, its runoff election, and the general election, all of which were held between February and July 2011. At the time of the elections, District 54 included West Memphis, Marion, Earle, and Turrell, Arkansas, as well as other rural areas of Crittenden County.

“The most fundamental rights we enjoy as American citizens include the ability to vote and, if we so choose, to run for elected office. In a nation in which every person’s vote matters, protecting the integrity of the electoral process from those who seek to win office by cheating the system is critical. Voter fraud schemes such as that carried out in the 2011 District 54 race have the devastating effect of eroding public confidence in elected officials and disenfranchising voters,” said Duke.

In response to the guilty pleas, SAC Coleman stated, “The right to vote is among the most precious we hold as American citizens; having open, honest, and fair elections is essential to our democracy. Election fraud schemes involving the bribery of Arkansas voters will be aggressively investigated by the FBI.”

In addition to this federal investigation, H.G. Foster, State of Arkansas Special Prosecuting Attorney, has been appointed to conduct an investigation of additional fraud allegations related to the Special Election for District 54 held last year. Foster stated, “I am grateful for all of the hard work that the U.S. Attorney’s Office, the FBI and the Arkansas State Police have put into this investigation, and for the Federal convictions that have come from it. The file has been received in my office and I anticipate a statement regarding State action on the findings within the next two weeks. Our Election process is one of our dearest and most vital institutions and to see it protected by the actions of these agencies is gratifying indeed.”

According to the felony information, Hudson Hallum, age 29, was elected to House Seat 54 on July 12, 2011. Kent Hallum, age 53, 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. Hudson Hallum hired Phillip Wayne Carter, age 43, who is both a West Memphis City Councilman and a Crittenden County Juvenile Probation Officer, to implement the Hallum campaign’s absentee ballot strategy. The information further charges that Sam Malone, age 32, who is a Crittenden County Quorum Court member, a West Memphis police officer, and a Crittenden County School Board member assisted Carter in implementing the Hallum campaign’s absentee ballot strategy.

Hudson Hallum, along with others, declared his candidacy as a Democrat in the special primary election for House Seat 54, which took place on April 20, 2011. Because neither Hudson Hallum nor any other Democratic candidate obtained the required majority of votes in the special primary election, a special primary runoff election took place on May 10, 2011. Hudson Hallum was certified as the winner in the special primary runoff by 8 votes. Hudson Hallum also won the special general election held on July 12, 2011, and was subsequently certified as the winner of the House District 54 special election.

According to the felony information, Hudson Hallum and Kent Hallum tasked Phillip Wayne Carter, Sam Malone, and others with identifying absentee ballot voters within District 54; obtaining and distributing absentee ballot applications to particular voters; determining when absentee ballots were mailed to absentee voters by the Crittenden County Clerk’s Office; and making contact with recipients of absentee ballots to assist those voters in completing the ballots. Once such absentee ballots were completed, the absentee voters typically placed their ballots in unsealed envelopes, which were retrieved by Carter, Malone and others and then subsequently delivered to either Hudson Hallum or Kent Hallum for inspection to ensure that the absentee ballot votes had 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.

At the hearing held today, the defendants admitted that certain absentee ballot voters received things of value in exchange for their votes being cast for Hudson Hallum. For example, in or about May 2011, Carter and Malone provided a chicken dinner to an individual in exchange for the absentee ballot votes of that individual and one other individual. Further, the felony information states that on or about May 4, 2011, 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. Carter requested \$20 from Hudson Hallum to pay for the food, to which request Hudson Hallum agreed.

In addition, according to the felony information, on or about May 5, 2011, 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 Carter to obtain money for the absentee voters from Kent Hallum. Hudson Hallum further told 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. On that same date, Hudson Hallum also told 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." Two days later, 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.

The maximum statutory penalty for the conspiracy charge is 5 years imprisonment plus a potential fine of \$250,000.

The investigation was conducted by the Federal Bureau of Investigation and the Arkansas State Police. The case was prosecuted by Assistant United States Attorneys Patricia S. Harris and Angela Jegley.

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