

May 27, 2022

Mr. Jeff Phillips
Prosecuting Attorney
Pope County, Arkansas
312 W. Main Street
Russellville, Arkansas 72801

HAND-DELIVERED

Dear Mr. Phillips:

We are writing to you today to bring to your attention a coordinated effort of election and petition fraud currently being conducted in Pope County and other areas of the state, designed to stamp out the voice of Arkansas voters through means of bribery, intimidation, and other illicit actions.

It has been brought to our attention that an agent of a group calling themselves the “Arkansas Tourism Alliance” has recently sought out paid canvassers of a state ballot initiative and offered to pay them a certain amount of money in exchange for the canvasser to throw away their petitions and quit working. *See* attached hereto a legally obtained one-party consent audio recording of one such incident which occurred on May 24, 2022, in Russellville, Arkansas (Exhibit A). The individual offering the bribe is one Ms. Kristin Foster. She represents in the recording that she works for or is acting in concert with a Mr. David Couch, who is a registered officer of the Arkansas Tourism Alliance as evidenced by Arkansas Ethics Commission filings. *See* attached Exhibit 1.

The Arkansas Supreme Court holds that circulators or canvassers of initiative petitions are comparable to elected officials. *Sturdy v. Hall*, 201 Ark. 38, 143 S.W.2d 547 (Ark. 1940), *Porter v. McCuen*, 310 Ark. 674, 839 S.W.2d 521 (Ark. 1992). The role of a canvasser is a position of great consequence and importance as the canvasser is the “sole election officer in whose presence the citizen exercises his or her right to sign the petition.” *Porter* at 522, 677. In the same way as an elected official holds a duty of public trust, so does a petition canvasser.

The actions of the Arkansas Tourism Alliance, through its agents, amount to bribery of an elected official to disregard her duty to the citizens she collects signatures from. When a citizen signs a circulated petition in favor of a measure being put on the ballot, that citizen has the right to expect that her signature is being validly collected, not that a bad actor will have the ability to come along later and offer cash bribes, or intimidate the canvasser, in order for her signature to be thrown away. This is voter suppression and cannot be tolerated under the laws of our state.

Further, A.C.A. § 5-55-601(b)(2)(F) provides that petition fraud will be found if a canvasser knowingly misrepresents the purpose and effect of the petition or the measure affected, for the purpose of causing a person to sign a petition. The agent of the audio recording attached hereto expressly relays to the canvasser that he or she can continue to think over her offer throughout the week while the canvasser works, but that the deal will be off if the canvasser

turns in signatures to the ballot committee at the turn-in day at the end of the week. Ms. Foster repeatedly told the canvasser she must throw the signatures away in order to be paid. Ms. Foster is clearly encouraging and offering a monetary award for the canvasser to engage in petition fraud as defined in Arkansas Code.

Lastly, the actions of the Arkansas Tourism Alliance amount to destruction of property as defined by Arkansas Code, which provides that it is unlawful for one to intentionally destroy or cause damage to the property of another. The petitions which Ms. Foster is offering a monetary reward to destroy are the property of Fair Play for Arkansas and/or its contracted canvassing company.

The egregious acts of the Arkansas Tourism Alliance to defraud the citizens of Arkansas amount to nothing short of election and petition fraud, bribery and voter intimidation. These actions pose a serious risk to the constitutional functions of our state's petition laws. The public interest is best served by your immediate action and investigation into these crimes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hans Stiritz', with a stylized, cursive script.

Hans Stiritz
Officer
Fair Play for Arkansas – 2022
an Arkansas Ballot Question Committee

cc:

Leslie Rutledge
Arkansas Attorney General
323 Center Street, Ste. 200
Little Rock, Arkansas 72201


Federal Bureau of Investigation
24 Shackleford W Blvd
Little Rock, Arkansas 72211

AUDIO RECORDING


1
2 UNKNOWN: Stephanie is the girl that --
3 KRISTIN FOSTER: So I work for the -- the other side of
4 this issue. And you're [REDACTED] right? (INAUDIBLE)
5 CANVASSER: Yes.
6 KRISTIN FOSTER: Okay. So the organization I work
7 with, we would be glad to pay you a thousand dollars
8 today and \$700 a week (INAUDIBLE) if you don't collect
9 another signature. Throw your petitions in the trash
10 and you don't collect another signature. I'll pay a
11 thousand dollars by the end of the day and we'll mail
12 you a check if you just stay home. Go look for another
13 job or anything --
14 CANVASSER: Okay.
15 KRISTIN FOSTER: -- else. Hey, have you looked at
16 this?
17 CANVASSER: Yeah. I've had like really bad anxiety.
18 KRISTIN FOSTER: I know. I know. It's really
19 stressful. This is 100 percent legal. There is no
20 pressure if you don't want to do it. We've done this
21 with other canvassers. It's just -- it's just the other
22 casino saying we'd rather you not (INAUDIBLE) We'll just
23 pay -- you will afford to be able to stay home and --
24 and not do this. So --
25 CANVASSER: Stephanie had showed some things to me

[REDACTED]

1 yesterday, and she sent me your number, and I just --
2 I'm going to be honest with you, I -- like, I've got
3 anxiety anyway, and my --
4 KRISTIN FOSTER: Like, this is such a weird --
5 CANVASSER: Like, it's so awkward --
6 KRISTIN FOSTER: Yeah.
7 CANVASSER: -- you know, and I would really feel more
8 comfortable if I could like talk to my husband, you
9 know, and just like -- you know, because I -- I want --
10 like, I'm a loyal person --
11 KRISTIN FOSTER: Of course.
12 CANVASSER: -- you know what I mean, and like this
13 company hired me to do a job and I just -- I want to --
14 I want to like morally do what's right, you know. But,
15 like, Stephanie is so sweet, you know, and --
16 KRISTIN FOSTER: Like, I've done this for a long time.
17 Working in political stuff is just weird.
18 CANVASSER: Right.
19 KRISTIN FOSTER: It's a --
20 CANVASSER: And like --
21 KRISTIN FOSTER: -- weird environment.
22 CANVASSER: And I feel like --
23 KRISTIN FOSTER: Yeah.
24 CANVASSER: -- snaky --
25 KRISTIN FOSTER: I know.



1 CANVASSER: -- honestly.
2 KRISTIN FOSTER: I get you.
3 CANVASSER: Like --
4 KRISTIN FOSTER: Yeah.
5 CANVASSER: -- you know, like, because my -- like, my
6 company -- like, my main boss has been nothing but like
7 nice --
8 KRISTIN FOSTER: Right.
9 CANVASSER: -- to me and stuff, and I just -- can I --
10 can I just talk -- like, I need to --
11 KRISTIN FOSTER: Absolutely.
12 CANVASSER: -- talk with my husband.
13 KRISTIN FOSTER: Can I text you my number?
14 CANVASSER: Sure.
15 KRISTIN FOSTER: Like, can I have your number? And,
16 listen, that's totally fine. As long as -- the big
17 thing today is that, as long as those petitions don't
18 get turned in. Once they get turned in -- like, if you
19 turn them in and --
20 CANVASSER: Right.
21 KRISTIN FOSTER: -- validate them today -- because
22 today is going to be a big day for it.
23 CANVASSER: Right. Right.
24 KRISTIN FOSTER: And, so, it's -- I tried to catch you
25 out here yesterday, but I couldn't get back in time.



1 CANVASSER: I had to pick my husband up at three.
2 KRISTIN FOSTER: It is totally fine.
3 CANVASSER: I know I don't turn in until Friday.
4 KRISTIN FOSTER: Okay.
5 CANVASSER: Friday is the day that I turn in.
6 KRISTIN FOSTER: Yeah. If there's just any you have at
7 home. Like, we don't want them. We don't want to see
8 them. We don't -- nothing. Just -- just throw them in
9 the trash. Like, that's it. We don't -- we don't need
10 them. Like, it's none of our -- you know, it would be
11 inappropriate for us to --
12 CANVASSER: Right. Right.
13 KRISTIN FOSTER: -- get them.
14 CANVASSER: Right.
15 KRISTIN FOSTER: We just -- it's more -- we've done
16 this with some other -- one other (INAUDIBLE) there have
17 been a lot of folks --
18 CANVASSER: Right.
19 KRISTIN FOSTER: -- you know, Pope County is a big deal
20 to (INAUDIBLE)
21 CANVASSER: Right.
22 KRISTIN FOSTER: (INAUDIBLE)
23 CANVASSER: Gotcha.
24 KRISTIN FOSTER: So, what is your number?
25 CANVASSER: [REDACTED] feel like -- am I
[REDACTED]

1 supposed to give you -- like, I'm scared. I'm scared.

2 Like, they told me --

3 KRISTIN FOSTER: I was just going to text --

4 CANVASSER: -- that y'all could be recording me and --

5 KRISTIN FOSTER: Look, you can see my phone. I'm not.

6 I'm not recording you. I'm not (INAUDIBLE) nothing like
7 that. My camera is off.

8 CANVASSER: Can you give me your number instead.

9 KRISTIN FOSTER: Yeah, I was just going to text you my
10 name. But if you just want to write down my number --

11 CANVASSER: Yes. Let me do that.

12 KRISTIN FOSTER: -- that's totally fine.

13 CANVASSER: I'm so scared. Like, I'm scared that I'm
14 going to get arrested.

15 KRISTIN FOSTER: I know, girl. No, nothing like that's
16 going here. I promise. The only reason I'm not, like,
17 getting out is because I do a show here and so they all
18 know me.

19 CANVASSER: Oh, okay.

20 KRISTIN FOSTER: Like, they all know me.

21 CANVASSER: I don't know anybody.


22 KRISTIN FOSTER: So the minute I get out -- like, the
23 minute I get out they start going -- at me.

24 CANVASSER: Right. Right. I gotcha.

25 KRISTIN FOSTER: So -- okay, my number is [REDACTED] --
[REDACTED]

1 CANVASSER: Actually, you know what? Stephanie -- I
2 think Stephanie might have texted me your -- or, not
3 texted me --
4 KRISTIN FOSTER: Messenger.
5 CANVASSER: -- messaged me.
6 KRISTIN FOSTER: I sent you a friend request on
7 Facebook, too.
8 CANVASSER: I wasn't sure who that was.
9 KRISTIN FOSTER: That was me. [REDACTED]
10 CANVASSER: Okay.
11 KRISTIN FOSTER: Yeah, I was just trying to connect
12 with you, because -- you know, just because today is
13 such a big day.
14 CANVASSER: Right.
15 KRISTIN FOSTER: I work -- I work for a senator in
16 Little Rock is my real job. I'm just doing this on the
17 side, because I live here and --
18 CANVASSER: Right.
19 KRISTIN FOSTER: -- I care about, you know, the --
20 CANVASSER: Pope County.
21 KRISTIN FOSTER: -- stuff going on in Pope County.
22 (INAUDIBLE) and my friend -- one of my best friends is
23 an attorney in Horseshoe Bend, so --
24 CANVASSER: Oh, okay.
25 KRISTIN FOSTER: -- I'm helping him out.
[REDACTED]

1 CANVASSER: Who's your friend?
2 KRISTIN FOSTER: David Couch.
3 CANVASSER: Okay. ~~scribble~~
4 KRISTIN FOSTER: He's one of the lawyers.
5 CANVASSER: I've been trying to research just so I have
6 an idea of what's going on, you know, and so, like,
7 honestly, it's so -- all of it is so confusing to me,
8 you know.
9 KRISTIN FOSTER: It's a lot. And it -- it gets crazy
10 when there's so much money involved, --
11 CANVASSER: Right.
12 KRISTIN FOSTER: -- and people, like, competing.
13 CANVASSER: Well, I told my husband this morning, like,
14 I -- I don't know, like, what -- what to do. Like, I
15 feel like a -- like, I feel like a snake, honestly, but
16 I -- I want to do what's best for me and my family.
17 KRISTIN FOSTER: Well, we are (INAUDIBLE) and you're
18 welcome to go to any other -- like, we don't want to be
19 in your business. You can do any other job you want to
20 do as long as it's not --
21 CANVASSER: Canvassing.
22 KRISTIN FOSTER: -- collecting signatures.
23 CANVASSER: Right.
24 KRISTIN FOSTER: And we -- you can go collect
25 signatures for the recreational marijuana people or



1 anybody else --

2 CANVASSER: Right.

3 KRISTIN FOSTER: -- just not this one.

4 CANVASSER: Right.

5 KRISTIN FOSTER: And -- and, you know, I'll give you my

6 information, I'll give you the attorney's information,

7 so that you know, like, this is not -- like, we can get

8 in trouble if we were doing something. We'd be like

9 offering you money illegally, but --

10 CANVASSER: Right.

11 KRISTIN FOSTER: -- we would be in big trouble. So,

12 like --

13 CANVASSER: Right.

14 KRISTIN FOSTER: -- you know, like, we're -- we're not

15 going to try to do this in any way that keeps it secret

16 or, like --

17 CANVASSER: Right.

18 KRISTIN FOSTER: -- pay you cash and hide it or

19 anything like that.

20 CANVASSER: Right.


21 KRISTIN FOSTER: You know, it's just -- it's -- it is

22 very above board. And, you know, any of the anti-casino

23 people, if you ask about me, they're not going to say

24 nice things, but if you ask any of the --

25 CANVASSER: Right.



1 KRISTIN FOSTER: -- other folks around here, like Roy
2 Reece, you know, he knows me. He knows I'm a good
3 person.

4 CANVASSER: Right.

5 KRISTIN FOSTER: Stephanie knows me. He's known me for
6 years. I -- but I just wanted to put it out there.
7 Please feel free to talk to your husband --

8 CANVASSER: Okay. Yeah.

9 KRISTIN FOSTER: -- and just text me and let me know.

10 CANVASSER: Okay.

11 KRISTIN FOSTER: I totally understand. It's crazy.
12 It's --

13 CANVASSER: Yes.

14 KRISTIN FOSTER: -- (INAUDIBLE)

15 CANVASSER: Like, I've been -- like, I -- because I was
16 thinking about, you know, what -- what she had said to
17 me yesterday and I was just like I've literally -- like,
18 I couldn't eat supper. I haven't ate breakfast. It's
19 okay. It's -- I mean, I get it. Everybody's got a job
20 to do --

21 KRISTIN FOSTER: Right.

22 CANVASSER: -- you know, but I just -- I don't know. I
23 just --

24 (END OF AUDIO RECORDING)

25

