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DEADLOCK



JULIA NAGY/LANSING STATE JOURNAL

Election lawyers Gary Gordon, right, and John Pirich appear Friday on behalf of the Trump campaign before the Michigan Board of State Canvassers regarding Jill Stein's recount request.

Board vote means Michigan presidential recount may proceed

PAUL EGAN | DETROIT FREE PRESS

LANSING - Michigan's Board of State Canvassers deadlocked 2-2 Friday, on President-elect Donald Trump's objection to Green Party candidate Jill Stein's request for a recount of all presidential ballots cast in Michigan, meaning a hand recount of Michigan's presidential ballots could begin late Tuesday or likely early Wednesday.

Still, a lawsuit filed Friday by Michigan Attorney General Bill Schuette places any recount in doubt. Schuette asked the Michigan Supreme Court, which has a 5-2 majority of Republican nominees, to block the recount as a costly and pointless exercise.

Trump also filed a lawsuit late Friday against the Board of State Canvassers, asking the Michigan Court of Appeals for an injunction to block the recount.

Despite what would be a delayed start, Elections Director Chris Thomas said he still hopes all 4.8 million ballots can be recounted. He said he doubts the Dec. 13 deadline that has been frequently cited is a "real deadline," and said Michigan may have until Dec. 17 — two days before the electoral college is set to meet — to complete its recount, though he said he is still researching that legal question.

The board deadlocked along party lines, both on whether to accept Trump's protest to the planned recount and on whether to hold a machine recount, rather

Michigan's Board of Canvassers: Who are they?

The Board of State Canvassers, the four-member panel holding a hearing in Lansing this morning to decide whether a presidential vote recount will take place in Michigan, by law has two representatives from each of Michigan's two main political parties. They are appointed by the governor and serve staggered four-year terms.

Republican members



Norm Shinkle, vice-chairman: A former state senator from Monroe County, Shinkle is a former chief judge of the Michigan Tax Tribunal and a member of the Republican State Committee. He is also a florist in Temperance.

Democratic members



Colleen Pero: A deputy director at the Michigan Department of Civil Rights since last year, Pero, from the Lansing area, was a partner with her husband, Dan, in Pero Consulting, a Republican political consulting firm. She worked as a special counsel to former Gov. John Engler and before that, ran Engler's Senate office.



Jeannette Bradshaw, chairwoman: Bradshaw, of Ortonville is recording secretary and registrar for the International Brotherhood of Electrical Workers Local 58 in Detroit and a member of the Democratic State Central Committee.



Julie Matuzak: From Mt. Clemens, Matuzak is the political coordinator of the Michigan chapter of the American Federation of Teachers. She was appointed to the board in 2011.

See RECOUNT, Page 2A

Man pleads guilty in fatal crash that killed student

CHRISTOPHER HAXEL
LANSING STATE JOURNAL

CHARLOTTE - Prosecutors on Friday agreed to drop the most serious charge in a fatal hit-and-run crash that killed a Waverly High School student in October 2015.

As part of a plea deal announced in Eaton County Circuit Court, Hector Arroyo admitted that he struck 13-year-old Helina Dirba while driving on a stretch of Michigan Avenue near Colt Elementary School, an act that he agreed "caused or played a role in her death."

He also said he drove despite knowing his li-

cense had been medically revoked, and that he didn't contact police until about 30 minutes later, even though he knew there may have been an accident.

Dirba died at a local hospital several days after the crash.

Arroyo, 68, of Lansing, was originally charged with involuntary homicide-manslaughter with a vehicle, driving while license suspended causing death and failure to stop at the scene of a crash causing injury or death.

As part of the agreement, prosecutors dropped


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DAVE WASINGER/LANSING STATE JOURNAL

Hector Arroyo, the Lansing man charged in connection with the hit-and-run crash that killed a Waverly student, raises his right hand before testifying at his plea agreement hearing at the Eaton County Courthouse Friday.

TODAY'S FORECAST

 **High: 39 Low: 29**
Rain and snow
Full forecast, 8D

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Trump files Michigan lawsuit to block recount

PAUL EGAN
DETROIT FREE PRESS

LANSING - President-elect Donald Trump filed a lawsuit Friday in the Michigan Court of Appeals, seeking to block a recount of Michigan's presidential vote, hours after a deadlocked State Board of Canvassers gave the green light for the recount to start as early as Tuesday, but more likely on Wednesday.

Trump's court action followed a similar suit filed Friday morning by Republican Attorney General Bill Schuette, who asked the Court of Appeals to send his case directly to the Michigan Supreme Court.

Trump, through Lansing attorneys Gary Gordon and John Pirich and other attorneys, said Green Party candidate Jill Stein's petition for a recount is technically deficient and because she received only 1.07% of the vote in Michigan, she "has no possible opportunity to earn Michigan's electoral votes or become president," but "seeks to thrust a costly and time-consuming recount upon Michigan citizens."

Stein paid a recount filing fee of close to \$1 million. State officials have estimated the actual cost of the recount might reach or exceed \$5 million. It's not clear where Trump got the "tens of millions" cost estimate.

In a news release issued earlier Friday in response to legal challenges Trump has brought against recounts she is also seeking in Pennsylvania and Wisconsin, as well as his Michigan challenge before the Board of State Canvassers, Stein vowed to fight "tooth and nail" for the recounts.

FRIDAY'S LOTTERY

► **Midday Daily-3:** 269
► **Evening Daily-3:** 521
► **Midday Daily-4:** 3376
► **Evening Daily-4:** 5939
► **Fantasy 5:**
7, 19, 23, 28, 34
Jackpot: \$100,000
► **Keno:** 10, 13, 15, 18, 21, 24, 29, 31, 33, 36, 37, 40, 48, 56, 67, 69, 74, 75, 76, 77, 78, 79
► **Lucky for Life:**
21, 23, 39, 40, 41, 18
► **Poker Lotto:**
7♠, 9♦, 5♥, J♣, K♦
► **Mega Millions:**
Call 800-822-8888 for Friday night's results

Friday's jackpot:
\$30 million

Wednesday's results

► **Classic Lotto 47:**
3, 4, 25, 30, 36, 45
Six-Number winners:
None
Tonight's jackpot:
\$11.5 million
► **Powerball:**
3, 14, 18, 25, 45
Power Ball: 7
Power Play: 2X
Tonight's jackpot:
\$54 million

FOR LOTTERY RESULTS 24 HOURS A DAY, CALL 335-5640.

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Recount

Continued from Page 1A

er than the standard hand recount. Thomas said that as a result, based on previous board policy and state law, a hand recount can begin in two business days. Thomas said the recount might begin late Tuesday, but officials later said a Wednesday start is more likely, barring court intervention.

Estimates on the cost of the recount have varied and generally escalated. But Secretary of State spokesman Fred Woodhams said Friday that nobody will know the cost until the recount is completed, but \$5 million is a reasonable estimate. That's more than \$4 million higher than the filing fee Stein paid, and officials said taxpayers at the county level will have to pick up that difference.

Lawyers for Trump argued it's ridiculous to conduct a massive and costly recount for Stein, who received just more than 1% of the vote. She can't show she is "aggrieved" by the Nov. 8 outcome, as required by state law, argued Lansing attorneys Gary Gordon and John Pirich. And she waited much too long to request a recount, making it impossible to complete a recount without danger of disenfranchising Michigan's Electoral College votes, they said.

The official Michigan count shows Republican Donald Trump won by 10,704 votes over Democrat Hillary Clinton, with Stein finishing fourth.

Stein attorney Mark Brewer said his client only has to "allege" that fraud or mistakes may have occurred in order to be aggrieved. And he pointed out that Trump himself has repeatedly alleged vote-rigging and fraud in the presidential election process.

Board members split on party lines, with Democrat Jule Matuzak saying "if someone alleges impropriety and pays the fee, they get a recount."

Colleen Pero, a Republican board member, said it "would throw our entire election system into chaos" to allow the recount.

Both Secretary of State Ruth Johnson and Trump attorneys wanted a machine recount to be held, if any recount was held at all. Johnson said in a letter to board members that a machine recount would be faster, less expensive, and reduce the chance for errors.

But Thomas said a survey of county clerks suggests that's not true. A machine recount "adds another level of complexity," and is "not faster," because challengers want to see the actual ballots, Thomas said. It also would result in the need for programming of machines and possibly even the use of other facilities, in order to have enough electrical outlets to plug the machines in.

Brewer said he was pleased the board rejected Trump's "frivolous" objections and calls for a machine recount. He said he would have to consult with Stein about how to respond to Schuette's lawsuit.

Michigan Republican Party Chairwoman Ronna Romney McDaniel, who attended the meeting, said she wasn't surprised by the outcome, given the fact that

two of the four members of the Board of Canvassers are Democrats.

It's "very clear" that the Michigan Democratic Party is not on the side of Michigan taxpayers on the recount question and Democrats "now have ownership over the millions of taxpayer funds that will be wasted on this recount," McDaniel said.

Brewer wouldn't comment on whether Stein might be willing to pick up additional costs, if they are incurred by county clerks.

"We've done recounts in this state many times," and state and county election officials are expert in conducting them, Brewer said, "People need to get out of their way and let them do their jobs."

Pirich, an attorney for Trump, said he couldn't comment on whether Trump, like Schuette, would be suing over the recount.

A 3-1 vote is needed for the board to act. Thomas said it is state policy to conduct hand recounts upon receiving a valid request, so a hand recount results from a tie vote.

The campaign of Stein had promised to seek a recount partly because of the high number of ballots, about 84,000, that did not include a vote for president — potentially signaling a computer error, tampering or fraud, Stein has said. Her campaign filed its request Wednesday and Trump filed his objections on Thursday.

Brewer filed the request at the state elections office in Lansing with several other attorneys representing the campaign. He brought along a check for \$973,250, which represents the \$125 per precinct Stein must pay for the recount.

"I and the undersigned members of my slate of electors are aggrieved on account of fraud or mistake in the canvass of the votes by the inspectors of election, and/or the returns made by the inspectors and/or by the Board of County Canvassers and/or by the Board of State Canvassers," Stein said in her request. "I request that all of the precincts and absent voter counting board precincts within the state of Michigan be recounted by hand count."

Saying that Michigan should not grant "this lawless, insulting request," the campaign of President-elect Donald Trump filed an objection Thursday afternoon to the recount request.

Michigan's "voters should not risk having the Electoral College door knocked off its hinges all because a 1% candidate is dissatisfied with the election's outcome," the objection stated. "Given her tiny vote total, (Green Party presidential candidate Jill) Stein does not and could not possibly allege a good faith belief that she may have won the state of Michigan."

Attorneys for Trump argued:

» As the fourth-place finisher, Stein is not "aggrieved" by any alleged fraud or mistake, and therefore is not entitled to a recount.

» There isn't time to complete a recount by Dec. 13, the "safe harbor" date to assure Michigan can cast its 16 electoral college votes on Dec. 19.

» Stein's petition is technically deficient because it was not properly signed and sworn.



DAVE WASINGER/LANSING STATE JOURNAL

Hector Arroyo, the Lansing man charged in connection with the hit-and-run crash that killed a Waverly student, center, walks with his attorney Edwar Zeineh after appearing for his plea agreement hearing Friday in Charlotte.

Plea

Continued from Page 1A

the first charge and Arroyo pleaded guilty to the latter two charges.

The deal calls for him to spend one year in jail. He faced up to 15 years in prison before the plea deal.

While the guilty plea likely brings closure to Arroyo's involvement in the case, pending sentencing, his family and attorney say another car hit Dirba before Arroyo's silver Saturn Outlook.

At a preliminary hearing in January, a school bus driver testified she saw a dark colored car hit Dirba as she crossed Michigan Avenue. Another driver who was stopped at a nearby intersection when the crash occurred said she saw Dirba's body in the air before the girl was struck by at least one other vehicle.

There's no crosswalk at the scene of the crash, according to previous testimony, and the stretch of road was unusually dark the morning of the crash.

Arroyo told police he didn't have a license because he is legally blind, according to court records. Prosecutors have said his poor eyesight is partially the result of a shrapnel injury suffered during the Vietnam War.

Edwar Zeineh, Arroyo's attorney, said after the hearing that the Eaton County Sheriff's Office failed to investigate the crash thoroughly, and have not tried to locate the driver of the other car.

"There's been no follow up on that," he said. "I think they were essentially chuckling about it."

Prosecutors disagree.

What's next

Hector Arroyo pleaded guilty to driving while license suspended causing death and failure to stop at the scene of a crash causing injury or death Friday in connection with last year's hit-and-run crash that killed 13-year-old Helina Dirba. He will be sentenced Jan. 19 by Eaton County Circuit Court Judge John Maurer. A plea agreement calls for him to spend one year in jail.

"I think (Zeineh) and I would probably respectfully disagree about whether we think there was a second vehicle involved," said Eaton County Assistant Prosecuting Attorney Chris Anderson after Friday's hearing.

"I don't think there's any evidence to support it," he said. "I don't show all my cards at (preliminary hearings), so (the testimony) wasn't consistent with some other evidence that we have. I didn't put a lot of weight into that."

The plea agreement represents a "fair resolution for both sides," Anderson said. "In a case like this you're going to give the family's opinion a lot of weight and this is ultimately something that they were accepting of and comfortable with."

Arroyo's son, Hector Arroyo Jr., said after the hearing that his father "has shown us to do the right thing" in pleading guilty to the lesser charges.

But he hopes investigators will continue looking for the driver of the second car.

"They have to consider this dark-colored sedan that was involved," he said. "In doing that, this case can be closed. Absent that, this isn't the end of this case."

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