

**BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO
AS A DULY CONSTITUTED ELECTORAL BOARD**

Objections of: CHARLES E. SCHUTT)
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)
To the Nomination) No.: 19-EB-ALD-108
Papers of: ELIZABETH SHYDLOWSKI)
) Rel.: 19-EB-ALD-092
Candidate for the office of Alderman for the)
44th Ward of the City of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of CHARLES E. SCHUTT (“Objector”) to the nomination papers (“Nomination Papers”) of ELIZABETH SHYDLOWSKI, candidate for the office of Alderman for the 44th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on February 26, 2019, having convened on December 10, 2018 at 8:30 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate were duly and timely filed.
2. The Electoral Board was legally constituted under the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chair of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer June Brown for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, CHARLES E. SCHUTT, and/or his Attorney, KEVIN MORPHEW; and the Candidate, ELIZABETH SHYDLOWSKI, and/or her Attorney, JOHN FOGARTY JR.

7. The Hearing Officer ordered that an examination of the Board's voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

9. The Candidate and/or her duly authorized representative was present during the examination of the registration records. The Objector and/or his duly authorized representative was present during the examination of the registration records.

10. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained at least 574 signatures in this case, which is more than

the minimum number of valid signatures required by law (473) to be placed upon the official ballot as a candidate for the office of Alderman for the 44th Ward of the City of Chicago, Illinois. The Hearing Officer recommends, therefore, that the Objections be overruled.

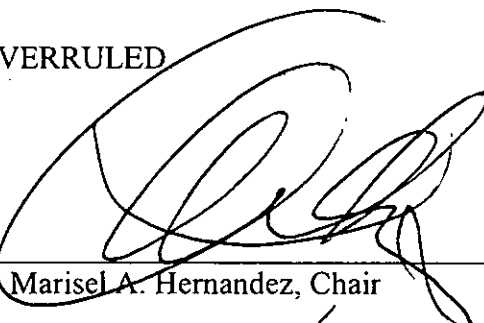
11. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

12. The Electoral Board finds that the Objections are overruled.

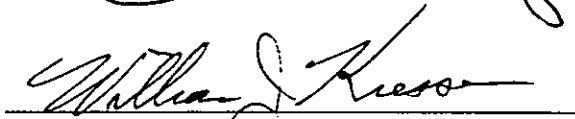
13. The Electoral Board further finds that there is another objection pending in related case Rel.: 19-EB-ALD-092, the results of which will determine whether the Candidate's Nomination Papers are valid or invalid.

IT IS THEREFORE ORDERED that the Objections of CHARLES E. SCHUTT to the Nomination Papers of ELIZABETH SHYDLOWSKI, candidate for the office of Alderman for the 44th Ward of the City of Chicago, are hereby OVERRULED

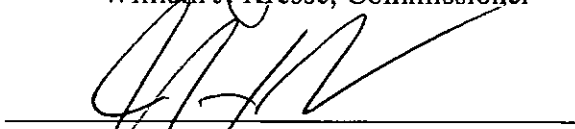
Dated: Chicago, Illinois, on January 2, 2019.



Marisel A. Hernandez, Chair



William J. Kresse, Commissioner



Jonathan T. Swain, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF ALDERMAN OF THE 44TH WARD OF THE CITY OF CHICAGO, COUNTY OF COOK AND STATE OF ILLINOIS TO BE VOTED ON AT THE FEBRUARY 26, 2018 GENERAL MUNICIPAL ELECTION.

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CHARLES E. SCHUTT,)	
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)	
<i>Objector</i>)	
)	Case No: 19-EB-ALD-108
)	related Case No: 19-EB-ALD-092
ELIZABETH SHYDLOWSKI,)	
)	
<i>Candidate</i>)	
)	
)	

HEARING OFFICER’S REPORT AND RECOMMENDED DECISION

The above-named cause came to be heard before the duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners (“CBOE”). Pursuant to section 10-10 of the Illinois Election Code (10 ILCS 5/10-10), and the Rules and Regulations of the Chicago Board of Election Commissioners (“CBOE”). The official appointment by the Chicago Board of Election Commissioners (“CBOE”) to act in the above-designated matter, assigned June A. Brown on December 10, 2018 as that Hearing Officer for hearings and passing on Objectors Petitions at the Offices of the Chicago Board of Election Commissioners (“CBOE”). at 69 W. Washington Lower Level.

This Recommendation rests on the Records Examination results and the Hearing Officer finds and recommends as follows:

- The initial hearing on the Objector's Petition was called on December 10, 2018. The Objectors appeared by Counsel, **Kevin Morphew, LAW OFFICE OF MICHAEL KASPER**, and the Candidate appeared by Counsel, **James Fogarty, LAW OFFICE OF JAMES FOGARTY**.
- The Candidate filed Nomination Papers as a Candidate for Election to the Office of Alderman of the 44th Ward of the City of Chicago, County of Cook, State of Illinois.
- The Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
- The Objectors alleged that the Candidate failed to file the minimum number of 473 duly qualified, registered and legal voters of said 44th Aldermanic Ward, collected in the manner prescribed by Law, required for this office.
- On December 10, 2018, the initial hearing, the file exhibits were read and admitted into the record, service was waived and the Rules of Procedure were introduced to parties. The timelines for Motions, Responses and Reply were set.
- On December 10, 2018, the parties were informed that the Matter was being scheduled for a Records Examination, with the parties to be notified of the date by the Electoral Board. The Rule 6 Records Examination Directive was submitted
- On December 19, 2018 at 8:45 a.m., the Records Examination was completed and is hereby adopted and incorporated by reference to the results of the records examination.
- On December 19, 2018 a Status hearing was held, where the Objector's Counsel, **James Hartmann, LAW OFFICE OF MICHAEL KASPER**, stated that the Objector fully accepts the findings of the Rule 6 Records Examination, and did not choose to proceed further in this Matter.
- The Candidate's Counsel, **James Fogarty, LAW OFFICE OF JAMES FOGARTY**,

had no objections to the Rule 6 Records Examination results

- The Records Examinations reflects a finding that the required number of valid signatures for this office is 473.
- The Rule 6 Records Examination found that the Candidate, **ELIZABETH SHYDLOWSKI**, had 574 valid signatures in the petition filings.

The Hearing Officer, June A. Brown, has considered all evidence and arguments proffered by the parties, and finds the following:

Signatures Required	<u>473</u>
Total Pages	<u>93</u>
Total Signatures	<u>818</u>
Total Objections	<u>465</u>
Total Ruled On	<u>465</u>
Total Remaining	<u>0</u>
Total Sustained	<u>244</u>
Total Overruled	<u>221</u>
For Review (Candidate)	<u>242</u>
For Review (Objectors)	<u>217</u>
Total Valid Signatures	<u>574</u>
Total Unchallenged Signatures	<u>382</u>

101 SIGNATURES GREATER THAN THE REQUIRED MINIMUM

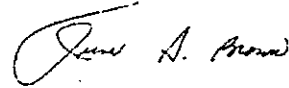
The Hearing Officer finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is *above* the minimum number of valid signatures required by law to be placed upon the official ballot as a **CANDIDATE** for the office of **ALDERMAN OF THE 44TH WARD, COUNTY OF COOK, CITY OF CHICAGO, STATE OF ILLINOIS.**

RECOMMENDATION

For the foregoing reasons, it is my recommendation that the Objections of **CHARLES E. SCHUTT**, to the Nomination Papers of **ELIZABETH SHYDLOWSKI** be **OVERRULED**,

as relates to this MATTER ONLY for ELIZABETH SHYDLOWSKI, CANDIDATE for the office of ALDERMAN OF THE 44TH WARD, COUNTY OF COOK, CITY OF CHICAGO, STATE OF ILLINOIS in the February 26, 2018 General Municipal Elections.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "James A. Brown".

J. A. Brown, Hearing Officer/ALJ.