

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

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Objections of: CHARLES E. SCHUTT )  
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 )  
To the Nomination ) No.: 19-EB-ALD-109  
Papers of: AUSTIN BAIDAS )  
 )  
Candidate for the office of )  
Alderman of 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 AUSTIN BAIDAS, candidate for the office of Alderman of the 44th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, 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 was held on these Objections commencing on Monday, December 10, 2018 and was continued from time to time.

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

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at or filed appearances during such hearing; the Objector, CHARLES E. SCHUTT, and/or his Attorneys, KEVIN MORPHEW and MICHAEL J KASPER; and the Candidate, AUSTIN BAIDAS, and/or his Attorneys, JAMES P. NALLY and SCOTT ERDMAN.

7. The Hearing Officer ordered that an examination of the 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. The Candidate and/or his 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.

9. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination

conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

10. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 473.

B. The remaining number of signatures deemed valid as a result of the records examination total 967.

11. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 44th Ward of the City of Chicago.

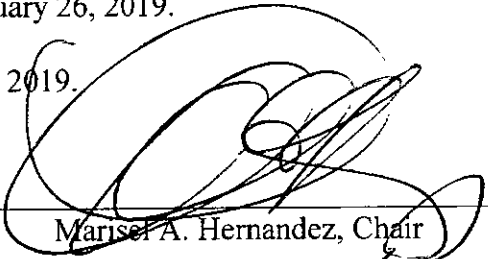
12. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 967 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 44th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

13. 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.

14. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of AUSTIN BAIDAS are, therefore, valid.


IT IS THEREFORE ORDERED that the Objections of CHARLES E. SCHUTT to the Nomination Papers of AUSTIN BAIDAS, candidate for the office of Alderman for the 44th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of AUSTIN BAIDAS, candidate for the office of Alderman for the 44th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

Dated: Chicago, Illinois, on Friday, January 18, 2019.



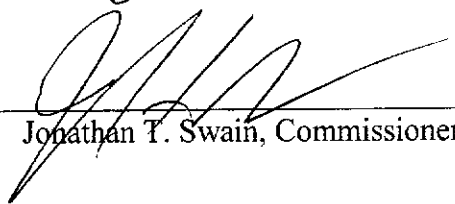
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Marisel A. Hernandez, Chair



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William J. Kresse, Commissioner



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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.

**BEFORE THE BOARD OF ELECTION COMMISSIONERS  
FOR THE CITY OF CHICAGO**

|                       |   |                                |
|-----------------------|---|--------------------------------|
| CHARLES E. SCHUTT,    | ) |                                |
|                       | ) |                                |
| Petitioner-Objector,  | ) | Case No. 19-EB-ALD-109         |
|                       | ) |                                |
| v.                    | ) | Hearing Officer: Jamal Jackson |
|                       | ) |                                |
| AUSTIN BAIDAS         | ) |                                |
|                       | ) |                                |
| Respondent-Candidate. | ) |                                |

**HEARING OFFICER'S FINAL REPORT & RECOMMENDATION**

In the matter of Petitioner-Objector, Charles E. Schutt ("Objector") regarding the Nomination Papers of Respondent-Candidate, Austin Baidas, for the nomination for the Office of Alderman, 44th Ward of the City of Chicago, State of Illinois ("Candidate") to be voted upon during the upcoming Aldermanic General Election on February 26, 2019 (election), the hearing having convened on December 10, 2018, Jamal Jackson, the duly appointed Hearing Officer, hereby makes the following Final Report and Recommended Decision to the Board of Election Commissioners of the City of Chicago ("CBEC" or the "Board"):

Objector filed a Verified Objector's Petition objecting to the sufficiency of the Candidate's nomination papers for various reasons articulated in Paragraphs 5 through 11 of their Petition:

5. "Signer Not Registered at Address Shown"
6. "Signer's Signature Not Genuine"
7. "Signer Resides Outside District"
8. "Signer's Address Missing or Incomplete"
9. "Signer Signed Petition More Than Once at Sheet Indicated"
10. *[Intentionally Omitted – Recapitulation Incorporation]*
11. "Nomination Papers contain less than 473 validly collected signatures ..."

The Objector's Petition was filed on December 3, 2018. An initial status hearing took place on December 10, 2018. Attorney James P. Nally appeared on behalf of Candidate; Attorney Kevin

Morphew appeared for Objector. The record reflects that the Call for the Hearing was posted at the offices of the Chicago Board of Election Commissioners on or about December 5, 2018. All parties, either personally or through counsel filed a Receipt of Call on December 5, 2018. At the status December 10, 2018, hearing the Hearing Officer encouraged the parties to read the Rules of Procedure, had the parties exchange email addresses, outlined the proceedings, described anticipated exhibits and asked Objector's counsel to summarize the objections; which was done. At the end of the hearing, a status date was set for Tuesday, December 18, 2018, which was later rescheduled to Thursday, December 27, 2018, due to the Records Examination not yet being scheduled.

On December 22, 2018, a record examination directive was issued setting the record examination for December 26, 2018.

On December 27, 2018, a status hearing was held. Counsel for Objector and Counsel for Candidate both appeared. The Hearing Officer was informed that the records examination was ongoing. A status hearing was set for January 3, 2019.

The final records exam results report was served upon the parties on January 2, 2019. The final results of the records examination were as follows:

|                        |      |
|------------------------|------|
| Total Signatures       | 1644 |
| Total Objections       | 2010 |
| Total Ruled on         | 2010 |
| Total Overruled Lines  | 1305 |
| Total Sustained Lines  | 705  |
| Total Valid Signatures | 967  |

The results of the records examination were that the Candidate filed 494 signatures greater than the required minimum. On January 3, 2019, a status hearing was held. At the hearing, Counsel for Objector informed the Hearing Officer that Objector would not be filing a Rule 8 Motion, and that Objector would stand on the final results of the records examination.

## RECOMMENDED DECISION

Because of the foregoing, the Hearing Officer hereby makes the following Recommendation for consideration by the Commissioners:

1. That according to the Final Petition Summary Report there were 437 unchallenged signatures and, further, that the Candidate had 494 signatures greater than the required minimum of 473; and
2. That the Respondent-Candidate's name **SHOULD BE INCLUDED** on the ballot for the office of Alderman of the 44th Ward of the City of Chicago during the upcoming election on February 26, 2019.

Dated: January 16, 2019

Respectfully Submitted,

  
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Jamal Jackson, Hearing Officer