

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

---

Objections of: BRENDA HARDY )  
 )  
 )  
To the Nomination ) No.: 19-EB-ALD-005  
Papers of: GAYINGA WASHINGTON )  
 ) Rel.: 19-EB-ALD-001  
Candidate for the office of )  
Alderman of the 29th 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 BRENDA HARDY (“Objector”) to the nomination papers (“Nomination Papers”) of GAYINGA WASHINGTON, for the office of Alderman of the 29th 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 held on these Objections commenced on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Kevin E. Bry 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, BRENDA HARDY, and/or her Attorney, DOUG E IBENDAHL; and the Candidate, GAYINGA WASHINGTON, pro se.

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.

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

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

11. 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 Electoral Board's file in this case and a copy has been provided or made available to the parties.

12. 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 344.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than 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 29th Ward of the City of Chicago.

14. 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 only 344 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Alderman for the 29th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

15. The Candidate filed a motion under Rule 20 seeking further review by the Electoral Board, which placed the matter on the agenda for a Rule 20 hearing on January 18, 2019. The results of said hearing did not alter the Board's findings or conclusions.

16. 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.

17. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on her nominating petitions and that the Nomination Papers of GAYINGA WASHINGTON are, therefore, invalid.

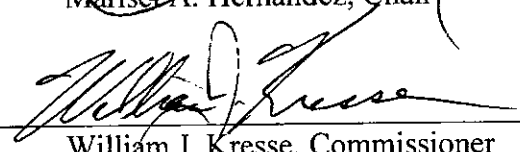
IT IS THEREFORE ORDERED that the Objections of BRENDA HARDY to the Nomination Papers of GAYINGA WASHINGTON, candidate for election to the office of Alderman of the 29th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of GAYINGA WASHINGTON, candidate for the office of Alderman for the 29th Ward of the City of Chicago, SHALL NOT 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.



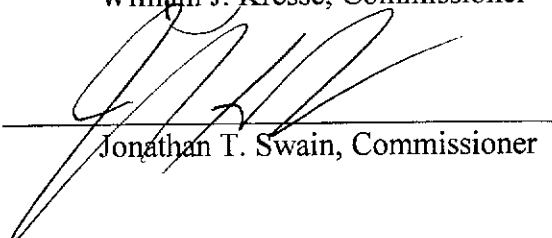
---

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 ELECTORAL BOARD FOR THE HEARING AND PASSING  
UPON OF OBJECTIONS TO THE NOMINATING PAPERS OF THE CANDIDATES  
FOR THE FEBRUARY 28, 2017 MUNICIPAL ELECTION FOR ALDERMAN OF THE  
29<sup>TH</sup> WARD IN THE CITY OF CHICAGO**

BRENDA HARDY, )  
 )  
 Objector, )  
 )  
 v. ) No. 19 EB ALD 005  
 GAYINGA WASHINGTON, )  
 )  
 Candidate. )

**HEARING OFFICER'S REPORT AND RECOMMENDED DECISION**

This matter was initially heard on December 10, 2018. The Objector appeared through counsel, Doug E. Ibendahl, and the Candidate appeared personally. The candidate acknowledged service and the parties were given the opportunity to file preliminary motions.

The Candidate did file a motion to dismiss within the time the hearing officer allotted. Her motion asserted, *inter alia*, that she personally and properly circulated the petition and verbally confirmed necessary information with the signers, that the proper residence and registration of objected-to signatures had been confirmed by electronic records, and that redistricting will result in numerous objected-to signatures being ruled valid.

The Objector responded to the Motion to Dismiss, asserting that the Candidate's arguments as to the correctness of signatures based upon her proper circulation will be proven or disproven at the records examination, and that there is no excuse for not knowing the current boundaries of the ward in the event that caused voters outside the district to sign the petitions.

On December 26, 2019, the preliminary motion to dismiss was heard. 10 ILCS 5/10-8 through 10-10.1 provide the authority and framework for the filing and passing upon objections to a candidate's nomination papers. The mere claim of proper and legal conduct in obtaining

signatures does not provide a sufficient basis to dismiss articulated objections to signatures; rather, Rule 6 of the Board's Rules of Procedure allow for the examination of voter registration records to determine the validity of the objections to individual signatures which were brought herein, and further, the parties may seek review of the Rule 6 records examination findings under Rule 8 of this Board's Rules and Procedures. The candidate's Motion to Dismiss on the basis of her legal and proper efforts to obtain signatures was denied..

The matter was continued for status to January 4, 2019, and then that status was rescheduled to January 8, 2019. On January 3, 2019, the final results of the Records Examination pursuant to Rule 6 were communicated to the Board, and the Candidate timely-filed a Rule 8 Motion seeking to contest numerous of the rulings of the Rule 6 records examination.

On January 8, 2019, status was held with respect to the Rule 8 motion and hearing. The candidate indicated she might present one witness at hearing and was advised to be prepared to address the issue that less signatures had been objected-to in the Rule 8 motion than had been found invalid at the Records Examination, and also to address the findings of the Records examination that more signers had resided outside of the district than would disqualify candidacy based upon the minimum number of valid signatures required. The matter was continued for evidentiary hearing at on January 11, 2019.

#### **RULE 8 EVIDENTIARY HEARING**

At the hearing, the candidate clarified that while she was not withdrawing her candidacy, she was not presenting evidence and offered no argument. The Objector rested upon the full results of the Records Examination.

**RECOMMENDED DECISION**

The Final Records Examination Report reveals that the candidate was 129 signatures short of the required 473 valid signatures. The Candidate's Rule 8 motion identified less than 129 signatures the Candidate was seeking to rehabilitate, and, as indicated, the Candidate presented no evidence or argument at the Rule 8 hearing. Based upon the Final Records Exam Report and the entire record, it is my recommendation that under *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929, 28 N.E.3d 170 (2015) the objections of Brenda Hardy to the nominating papers of Gayinga Washington be sustained, and that the nomination papers of Gayinga Washington be deemed **invalid** and that the name of Gayinga Washington for said office **not be** printed on the ballot at the February 26, 2019, Municipal Election.

Respectfully Submitted,

s/ Kevin E. Bry

---

Kevin E. Bry, Hearing Officer  
January 11, 2019