

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman 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 November 20, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Christopher J. Agrella for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, WAYNE GRZYWACZ, appearing by counsel, Michael J. Kasper; and the Candidate, DANIEL IBARRA FITZGERALD, appearing by counsel, Michael E. Lavelle.

7. The Hearing Examiner ordered that an examination of the 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 Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the records examination.

9. The Candidate or his duly authorized representative(s) were present during the examination of the registration records.

10. The Objector or his duly authorized representative(s) were 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 results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board finds that, following the completion of the records examination conducted in this case:

- A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500;
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,211;
- C. The number of signatures deemed invalid because of objections sustained total 717;
- D. The remaining number of signatures deemed valid total 494.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 2nd District, State of Illinois.

14. Following completion of the records examination, both parties filed timely Rule 8 statements and an evidentiary hearing was conducted by the Hearing Examiner.

After the parties submitted their evidence, testimony and argument, the Hearing Examiner ruled that a net total of an additional 20 signatures on the Candidate's petitions were valid, raising the Candidate's total number of valid signatures to 514. Therefore, the number of valid signatures exceeds that minimum number of valid signatures of qualified and duly registered voters of the 2nd Representative District required for the office in question (500).

15. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be found valid.

16. Notwithstanding the results of the records examination, the Hearing Examiner's report and recommendations, the Electoral Board finds that the Candidate filed papers with the Illinois State Board of Elections on December 6, 2007 withdrawing as a candidate for the office of Representative in the General Assembly for the 2nd Representative District, thus rendering the Objections moot.

IT IS THEREFORE ORDERED that the name of DANIEL IBARRA FITZGERALD, candidate for nomination of the Democratic Party, to the office of Representative in the General Assembly for the 2nd Representative District, State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

Dated: Chicago, Illinois, this 7th day of December, 2007.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, 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 10 days after the decision of the Electoral Board.

WITHDRAWAL OF CANDIDACY

I, Daniel Ibarra Fitzgerald (Name of Candidate) being first duly sworn, say that I reside at 1823 W. 22 place in the City/Village of Chicago IL, County of Cook and State of Illinois; that I am the same person whose name is subscribed hereto in whose behalf nomination papers were filed for the office of State Representative, 2nd district, Democratic Party, and I hereby withdraw as a candidate for said office and respectfully request that my name **NOT** be printed upon the official ballot as a candidate for the General Primary Election to be held on February 5, 2008 (date of election).

Daniel Fitzgerald

SIGNATURE OF CANDIDATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS.

I, KATHY LEWIS, a Notary Public, in and for said County and State aforesaid, do hereby certify that DANIEL IBARRA FITZGERALD personally known to me to be the same person whose name is subscribed to in the foregoing withdrawal, appeared before me in person this day and acknowledged that he/she signed the said instrument as his free and voluntary act of his/her own will and accord.

Signed and sworn to (or affirmed) by DANIEL IBARRA FITZGERALD before me on
(Name of Candidate)

12/06/2007
(insert month, day, year)

Official Seal
(SEAL) Kathy Lewis
Notary Public State of Illinois
My Commission Expires 04/26/2011

Kathy Lewis
(Notary Public's Signature)

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Withdrawal is filed with the office where original nominating petition or certificate of nomination was filed. Upon receipt, the local election official must issue amended certification to each election authority who prepares ballots for the political subdivision.

STATE BOARD OF ELECTIONS

DEC 7 9 46 AM '07

CHICAGO