

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

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Objections of: JOE J. GALVAN	)	
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To the Nomination	)	No. 08-EB-WC-30
Papers of: ROBERT MARTINEZ	)	
	)	
	)	
Candidate for the office of	)	
Ward Committeeman for the 25th Ward of	)	
the City of Chicago, Democratic Party	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of JOE J. GALVAN (“Objector”) to the nomination papers (“Nomination Papers”) of ROBERT MARTINEZ, candidate for election to the office of Ward Committeeman for the 25th Ward of the City of Chicago, Democratic Party (“Candidate”), having convened on November 26, 2007, at 10:00 a.m., at 69 W. Washington Street, 8<sup>th</sup> Floor Conference Room, 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 herein were duly and timely filed.
2. The 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 26, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Edwin Reyes 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, JOE J. GALVAN, appearing by counsel, James P. Nally; and the Candidate, ROBERT MARTINEZ, appearing pro se.

7. The Objector raised objections to the Candidate's Nomination Papers, including the allegation against the validity of individual signatures identifying them by sheet and line and that the Candidate's petition did not contain a sufficient number of valid signatures to meet the minimum signature requirement for the office sought.

8. 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.

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

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

11. The Objector or his duly authorized representative(s) was present during the examination of the registration records.

12. 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.

13. The results of the records examination conducted in this case indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 198;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 481;

C. The number of signatures deemed invalid because of objections sustained during the records examination total 376;

D. The remaining number of signatures deemed valid total 105.

14. The Hearing Examiner tendered to the Electoral Board his report and recommended decision recommending that the Objections to the Candidate's Nomination Papers be sustained and that the Nomination Papers be found invalid.

15. The Candidate timely filed a motion pursuant to Rule 20 to address the Board concerning the Hearing Examiner's report and recommendations.



16. At the hearing conducted pursuant to Rule 20, the Electoral Board determined that the Candidate had not been given an opportunity to present evidence seeking to rehabilitate certain signatures on his nominating petition sheets due to a procedural error. The Electoral Board remanded the case to the Hearing Examiner with instructions to conduct an evidentiary hearing to allow the Candidate and/or the Objector to present evidence. However, the Electoral Board ordered that the Candidate be limited to whatever evidence, including affidavits, that he had available to him as of December 11, 2007, the date previously set by the Hearing Examiner for a hearing. Affidavits obtained after December 11, 2007 were not admissible.

17. On remand, the Hearing Examiner conducted a hearing on December 15, 2007. The Hearing Examiner reports that at the hearing, the Candidate submitted 92 affidavits from individuals whose name and/or signatures were purportedly on the Candidate's nominating petitions. A recount of those affidavits in the file indicated that there are only 91 such affidavits in the Electoral Board's file. However, the Candidate presented the original of a 92<sup>nd</sup> affidavit at the hearing before the Electoral Board on December 16, 2007.

18. After reviewing the affidavits, the Hearing Examiner concluded that 19 signatures on the affidavits did not match the signatures on the petition and would disallow those signatures. Thus, of the 92 affidavits submitted, the Hearing Examiner would accept only 73 of those to rehabilitate signatures on the petition.

19. The Hearing Examiner further credited the Candidate with an additional 19 signatures that were objected to and sustained on sheets 39 and 42 of the Objector's Appendix-Recapitulation attachment that identified the nomination papers being objected

to as those of another candidate, and on a sheet in the Objector's Appendix-Recapitulation attachments that was not numbered but was found between Appendix-Recapitulation sheets 26 and 28.

20. In all, the Hearing Examiner issued a report on December 15, 2007 finding that the Candidate had 197 valid signatures, one signature short of the minimum of 198 valid signatures required by law. As a result, the Hearing Examiner recommended that the Candidate's Nomination Papers be found invalid.

21. At the meeting of the Electoral Board on December 16, 2007, both the Candidate and the Objector's attorney appeared.

22. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law with respect to the 19 signatures found on Appendix-Recapitulation sheets that identify the wrong candidate or are un-numbered.

23. The Electoral Board finds that crediting those signatures back to the Candidate gives the Candidate 124 valid signatures.

24. The Electoral Board further finds that there were two errors in the marking and tabulation of the records examination worksheets and result sheet, which, after correction, result in the Candidate receiving 2 additional valid signatures, bringing his total to 126.

25. The Electoral Board, based on (a) a random sample review of some of the 19 affidavits and the Candidate's nominating petition sheets for which the Hearing

Examiner made a finding that the signatures on the affidavits and the petitions did not match, (b) the in-person testimony of two of the signers of the affidavits, (c) the rebuttable presumption of the validity of affidavits submitted to rehabilitate challenged signatures, and (d) a rebuttable presumption of the validity of the 19 questioned affidavits arising from the fact that the Hearing Examiner found 73 of the affidavits submitted by the Candidate to be valid, reverses the findings of the Hearing Examiner that such signatures do not match and finds that the Candidate is credited with an additional 83 valid signatures after deducting 9 affidavits for individuals whose signatures were struck only because they were not registered to vote at the address shown on the petitions.

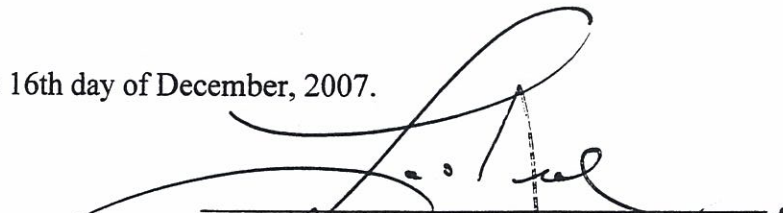
26. The Electoral Board finds that the Candidate has a total of 209 valid signatures on his Nomination Papers, which exceeds that minimum signature of 198 required by law to be placed upon the official ballot as a candidate for election to the office of Ward Committeeman for the 25th Ward of the City of Chicago, Democratic Party.

27. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Nomination Papers of ROBERT MARTINEZ are valid.



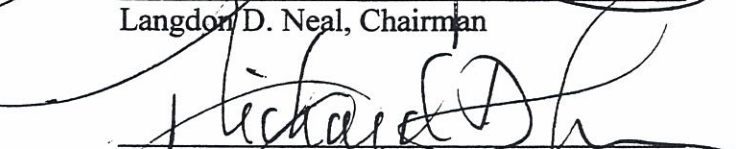
IT IS THEREFORE ORDERED that the Objections of JOE J. GALVAN to the Nomination Papers of ROBERT MARTINEZ, candidate for election to the office of Ward Committeeman for the 25th Ward of the City of Chicago, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of ROBERT MARTINEZ, candidate for election to the office of Ward Committeeman for the 25th Ward of the City of Chicago, Democratic Party, SHALL be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

Dated: Chicago, Illinois, this 16th day of December, 2007.



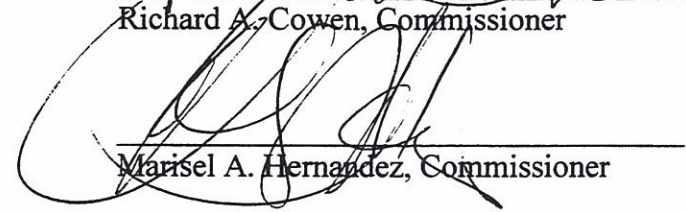
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Langdon D. Neal, Chairman



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Richard A. Cowen, Commissioner



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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.